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Rules of Governmental Agencies

Volume 23, Issue 28 — July 9, 1999

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Licensing Standards for Secure Child Care Facilities

2) Code Citation: 89 Ill. Adm. Code 411

3) Section Numbers: Proposed Action:

411.10	New
411.15	New
411.20	New
411.40	New
411.45	New
411.50	New
411.55	New
411.60	New
411.65	New
411.70	New
411.75	New
411.80	New
411.85	New
411.90	New
411.95	New
411.100	New
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411.200	New
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411.305	New
411.310	New
411.315	New
411.320	New
411.400	New

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411.415	New
411.420	New
411.425	New
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411.715	New
411.720	New
411.725	New
411.730	New
411.735	New
411.740	New
411.800	New
411.APPENDIX A	New
411.APPENDIX B	New
411.APPENDIX C	New
411.APPENDIX D	New
411.APPENDIX E	New

4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: Part 411 will permit the Illinois Department of Children and Family Services to license secure child care facilities in Illinois to serve as placement resources for DCFS wards who are not adjudicated delinquent but require clinically intensive mental health and rehabilitative treatment in secure child care facilities. Prior to the passage of Public Act 90-608, DCFS did not have authority to license secure child care institutions, and children

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NOTICE OF PROPOSED RULES

requiring such treatment have been placed in out-of-state secure facilities.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Sue Howell
Department of Children and Family Services
406 East Monroe, Station #65 West
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
E-Mail: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed rules begins on the following page:

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NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 411

LICENSING STANDARDS
FOR SECURE CHILD CARE FACILITIES

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

Section	Purpose
411.10	Applicability
411.15	Definitions
411.20	

SUBPART B: LICENSES

Section	Licenses Required
411.40	Application for License
411.45	Licensing Requirements
411.50	Incorporation
411.55	Responsibilities of the Governing Body
411.60	Provisional Licenses
411.65	Application for Renewal of License
411.70	Grounds for Revocation or Refusal to Issue or Renew a License
411.75	Complaints Concerning Licensees
411.80	Investigation of Complaints, Potential Deficiencies or Violations
411.85	Concerning Licensees
411.90	Disposition of Complaints, Potential Deficiencies or Violations
411.95	Concerning Licensees
	Closure Order

SUBPART C: PROGRAMMING AND MONITORING

Section	Purpose and Mission
411.100	Standard Program Plan
411.105	Admission Requirements
411.110	Admission Processing and Case Management
411.115	Mental Health and Rehabilitative Services
411.120	Behavior Intervention Plans in Secure Child Care Facilities
411.125	Restrictive and Invasive Behavior Management Procedures
411.130	Precautions for High Risk Behavior
411.135	Supervision of Children
411.140	Psychiatric Hospitalization
411.145	Authorization for Continued Placement
411.150	

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411.155 Discharge Planning Requirements
 411.160 Recreation and Leisure Time Activities
 411.165 Educational Services
 411.170 Religious Programs
 411.175 Client Files
 411.180 Security Procedures
 411.185 Child Counts
 411.190 Child Movement
 411.195 Searches for and Control of Contraband
 411.200 Criminal Violations
 411.205 On-site Inspection of Programs, Security, and Operations

SUBPART D: CLIENT RIGHTS

Section
 411.300 Client Rights and Confidentiality
 411.305 Objections to Admission
 411.310 Mail
 411.315 Telephones
 411.320 Visits

SUBPART E: PERSONNEL AND STAFFING REQUIREMENTS

Section
 411.400 Background Checks for Personnel
 411.405 Administration
 411.410 Personnel
 411.415 Volunteers and Interns
 411.420 Requirements of Professional Staff
 411.425 Facility Director
 411.430 Medical Director
 411.435 Administrative Coverage
 411.440 Secure Child Care Staff
 411.445 Secure Child Care Supervisors
 411.450 Rehabilitative Services Treatment Staff
 411.455 Medical and Nursing Staff
 411.460 Health Requirements for Staff and Volunteers
 411.465 Training and Staff Development

SUBPART F: RECORDS AND FISCAL MANAGEMENT

Section
 411.500 Reports and Correspondence
 411.505 Fiscal Management
 411.510 Funds and Property of Children

SUBPART G: PHYSICAL PLANT, GROUNDS AND SAFETY

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Section
 411.600 Physical Plant
 411.605 Accessibility to Individuals with Disabilities
 411.610 Communication
 411.615 Key Control
 411.620 Tools and Equipment
 411.625 Vehicles
 411.630 Safety and Emergency Procedures

SUBPART H: HEALTH CARE, SAFETY AND SANITATION

Section
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 411.705 Safety and Sanitation
 411.710 Bedding, Linen, and Clothing
 411.715 Personal Hygiene
 411.720 Health Care Services
 411.725 Pharmaceutical Items
 411.730 Medical Responses
 411.735 Health Education
 411.740 Health Records

SUBPART I: SEVERABILITY OF THIS PART

Section
 411.800 Severability of This Part
 411.805 Resource Reference List
 411.810 Acceptance of Voluntary Surrender of License - No
 411.815 Investigations Pending
 411.820 Acceptance of Voluntary Surrender of License - Investigations
 411.825 Pending
 411.830 Acceptable Human Services Degrees
 411.835 Professionals Who Must Be Registered or Licensed

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

Section 411.10 Purpose

The purpose of this Part is to prescribe the standards for licensure as a secure child care facility and to describe the requirements for the admission and treatment of children and youth.

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"Contraband" means items that are proscribed by criminal law, facility rules, or posted notices; items that the child or youth has no authorization to possess; or property that is in excess of that authorized by the facility. Contraband shall include, but not be limited to, possession by a child or youth of any of the following:

- Alcohol;
- Cannabis or controlled substances, and paraphernalia for cannabis or controlled substances;
- Weapons, including firearms, knives, broken glass, or similar cutting devices or clubs;
- Flammables, explosives, matches or lighters;
- Ammunition;
- Chemical agents or electric stun guns;
- Tools, keys, chains, or ropes;
- Gum, putty, or caulk;
- Any smoking or tobacco materials in the possession of children or youth; or
- Any other item prescribed by the secure child care facility director due to safety or security reasons.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102), including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

"DSM-IV" means the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (American Psychiatric Association, 1994 Edition), or the most current edition.

"Degree of need study" means an annual needs assessment conducted by the Department that is structured to determine the number of children and youth who are in need of placement in secure child care facilities. The needs assessment focuses on the clinical needs of children and youth, as well as the geographic location from which children and youth originate. All decisions concerning the issuance of licenses for secure child care facilities shall be based upon the Department's annual degree of need study.

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Placement in facilities licensed under this Part is limited to children and youth who are 13 years of age or older but less than 18 years of age who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated by the Department of Corrections pursuant to Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].

Section 411.15 Applicability

This Part applies to any qualified applicant that intends to develop, establish, maintain, or operate a secure child care facility licensed by the Department of Children and Family Services in the State of Illinois.

Section 411.20 Definitions

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" or "youth" means any person for whom the Department is legally responsible who is 13 years of age or older but is less than 18 years of age.

"Clinical evaluation" means a standardized clinical protocol used by an independent examiner to determine whether a child or youth meets the requirements established by the Department for admission to a secure child care facility. This protocol shall assess the following items: the child's or youth's presenting problems within the context of his or her current treatment plan; the child's or youth's mental status and psychiatric diagnosis; the child's or youth's risk of harm to self and/or others; and the appropriateness of both less and more restrictive treatment and placements (i.e., non-secure placements and psychiatric care).

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure child care facilities.

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"Department" means the *Illinois Department of Children and Family Services*. (Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Director" means the Director of the Department of Children and Family Services.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such impairment.

"Drug test" means a urinalysis or blood test conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

"Facility director" means the executive level manager designated by the governing body to be administratively responsible for the secure child care facility for compliance with all requirements of this Part.

"Finding" means a report of results of an investigation of a complaint or of grounds for revocation or termination by staff authorized by the Director.

"Gatekeeper" means a Department employee assigned to monitor a specific secure child care facility's admission, treatment, and discharge of children and youth.

"ICD-9-CM" means the International Classification of Diseases, Clinical Modification, Ninth Revision, Fourth Edition (Commission on Professional and Hospital Activities, Edwards Brothers, Ann Arbor, Michigan 48106 (October 1991)), or the most current edition.

"Independent examiner" means a psychiatrist, clinical social worker, or clinical psychologist who does not have a financial (i.e., employment or contractual) or familial relationship with a licensed secure child care facility, and who has been designated by the Department to perform clinical evaluations to determine whether a child or youth meets the admission requirements established by the Department.

"Insolvent" means the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors.

"Investigation" means an information gathering and assessment process

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initiated and conducted by the Department in order to determine compliance with Department rules and procedures or with federal, State, and local laws.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a secure child care facility in accordance with applicable standards and provisions of the Child Care Act of 1969 [225 ILCS 10].

"Licensed practitioner of the health arts (LPHA)" means a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or a clinical professional counselor holding a permanent license pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].

"Licensee" means an agency or organization who holds a secure child care facility license or a provisional license issued by the Department of Children and Family Services.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for or having been issued a secure child care facility license.

"Licensing study", as used in this Part, means the review of an application for secure child care facility license, on-site visits, interviews and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 [225 ILCS 10], the standards prescribed by this Part, other applicable Department standards, and federal or State laws.

"Medicaid community mental health services program" means assessment, treatment and/or rehabilitative services as defined by 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) that are provided by or under a subcontract with a certified provider under a contractual agreement with the Department. These services are supported financially in whole or in part by the Department and are also included under the Illinois Medical Assistance Program (89 Ill. Adm. Code 140) for eligible clients. Providers must be certified by the Department or the Department of Human Services and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider.

"Medical director" means a psychiatrist with at least 2 years of experience treating children and adolescents who is responsible for directing all medical and psychiatric services offered in a secure child care facility.

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"Mental health professional (MHP)" means the mental health professional who provides services under the supervision of a qualified mental health professional (QMHP). The mental health professional must possess a bachelor's degree, a practical nurse license pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or have a minimum of five years clinically supervised experience in mental health or human services.

"Mental illness" means a diagnosis of mental illness as defined in 59 Ill. Adm. Code 132.25 (Medicaid Community Mental Health Services Program).

"Minor traffic violation" means any traffic violation that resulted in a fine of \$100 or less without any other penalty, such as suspension or revocation of the driver's license, probation, jail sentence, or community service work.

"Physician" means a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].

"Plan" means the facility's written policy, procedures, and practices in a particular area.

"Profiling" means the Department's process of assessing the performance of and categorizing residential providers based on their target population, service mix, staffing patterns and coverage, program design, and physical plant characteristics. Assessment of performance is based on measurable key outcome indicators, such as length of stay, successful and stable step downs, success of treatment outcomes, number of psychiatric hospitalizations, number of unauthorized absences, unplanned discharges, use of restrictive procedures, unusual incident reports, formal complaints and/or grievances, and injuries to children and youth.

"Qualified applicant" means an applicant for a secure child care facility license that has met all of the following prerequisites to seeking a license for a secure child care facility:

- The applicant must currently provide residential care for children and youth in a child care institution licensed pursuant to 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions and Maternity Centers).
- Based upon profiling, the applicant has been determined to have the capability to provide mental health and rehabilitative services in a continuum of care, on the campus where the secure child care facility is located, to children and youth who present the most serious behavioral and emotional symptoms and whose

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histories manifest placement disruption and patterns of difficult adjustment to substitute care living arrangements. An applicant's qualification will be based upon performance and outcome measures related to such services, as well as a review of their past performance as a licensed child care institution.

The secure child care facility must be accredited by one or more of the following nationally recognized accrediting organizations:

- Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005.
- Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.
- The Rehabilitation Accreditation Commission (CARF), 4891 East Grant Road, Tucson, Arizona 85712.
- The applicant must be certified and enrolled in good standing as a provider under 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program).
- The applicant has received written notification from the Department of the need for a secure child care facility in the Child and Adolescent Local Area Network and region of the Department where the facility is located. This determination shall be based upon the Department's degree of need study.

"Qualified mental health professional (QMHP)" means one of the following:

- A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness or specialized training (the treatment of children and adolescents);
- A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association, or other training program identified as equivalent by the Department, and 2 years experience treating children and adolescents;
- A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

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- A social worker possessing a master's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;
- A registered nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or a master's degree in psychiatric nursing;
- An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;
- An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or
- An individual possessing a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, family therapy, or related field, who has successfully completed a practicum and/or internship that includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional, or who is a licensed social worker holding a master's degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Secure child care facility" means any child care facility licensed by the Department to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and which comply with the requirements of this Act and applicable rules of the Department and which shall be consistent with requirements established for child residents of mental health facilities under the Juvenile Court Act of 1987 and the Mental Health and Developmental Disabilities Code. "Secure child care facility" also means a facility that is designed and operated so as to ensure that all entrances and exits from the facility, a building, or distinct part of a building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within

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the perimeter of the facility, building, or distinct part of a building. [225 ILCS 10/2.22]

A secure child care facility shall be a fully integrated, self-contained program area of a licensed child care institution that meets all the licensing and program requirements specified in this Part. At a minimum this includes an indoor activity area, classrooms, dining area, nursing station, seclusion room (if applicable), physician's examining room, patient bedrooms, and bathrooms. Staff offices shall be located within or contiguous to the secure child care facility.

"Serious illness or injury" means an illness or injury that requires treatment at an urgent care center or emergency room or that results in a hospital admission of any length of time.

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications or other substances.

"Universal Precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

SUBPART B: LICENSES

Section 411.40 Licenses Required

- a) Any qualified applicant that desires to develop, establish, maintain, or operate a secure child care facility for the placement by the Department of a child or youth for whom the Department is legally responsible must obtain a license from the Department prior to commencing operations.
- b) Before a license may be granted, the licensing applicant must certify its compliance with federal, State, and local laws; all applicable building, zoning, planning, land use, health, and sanitation regulations as specified in federal, State, or local laws or ordinances; fire safety requirements of the State Fire Marshal; and the requirements prescribed in this Part.
- c) There shall be no fee or charge for the license.

Section 411.45 Application for License

- a) Upon request, the Department shall issue an application for a license to operate a secure child care facility to a qualified applicant, as defined in this Part. The application for license or the renewal of a license shall be completed and signed by the governing body of the

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facility or its authorized representatives on forms prescribed and furnished by the Department.

b) The application shall include the following:

- 1) Articles of incorporation and bylaws, certification that the facility's corporate status is in good standing with the Illinois Secretary of State and a statement of whether the facility is for profit or not-for-profit. If the facility is not-for-profit, the facility shall submit proof of its not-for-profit status with the Internal Revenue Service and charitable status with the Illinois Attorney General.
- 2) A statement of purpose and range of services, including the types of child care services provided or to be provided, and a general description of the type of security arrangements established or to be established.
- 3) A copy of the current child care institution license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions and Maternity Centers).
- 4) The names and addresses of current officers and board members and a list of the committees of the governing body.
- 5) Annual current operating budget and projected budget showing anticipated expenses and income for the first two years of operation, including a listing of all current and projected sources of income.
- 6) A facility site plan of the proposed site in which the specific use of each building and the specific floor plan showing each room to be used for secure child care is identified and an explanation of the facility locking, lighting, and communication features. All secure doors, windows, and perimeter structures, including any fencing and gates, shall be shown. The secure child care facility shall submit an architectural statement that the site plan complies with the Americans with Disabilities Act of 1990 (42 USC 12101) and with the regulations implementing Title I and Title II of that Act.
- 7) The program plan for secure child care.
- 8) The staffing plan for the secure child care program that provides for continuous supervision, active treatment services, and security for children and youth residing in the facility and that includes the number of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job descriptions and job titles.
- 9) A description of the quality assurance mechanism for the services provided within the secure child care program.
- 10) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check.
- 11) Documentation of accreditation by one or more of the following nationally recognized accrediting organizations:

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- A) Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005.
- B) Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181.
- C) The Rehabilitation Accreditation Commission (CARF), 4891 East Grant Road, Tucson, Arizona 85712.

Documentation of current accreditation status shall be achieved by submission by the secure child care facility to the Department of a certificate of accreditation and the most recent accreditation report, and a letter from the accrediting organization, dated within 30 days prior to the date of the application for licensure, stating that the secure child care facility is in good standing with the organization.

- 12) Documentation of certification as a provider under 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) and a Department of Public Aid Medicaid provider enrollment number.
 - 13) Written notification from the Department that the results of profiling indicate the applicant to be qualified to serve seriously emotionally disturbed or mentally ill children and youth requiring treatment in a secure setting.
 - 14) Written notification from the Department stating that the degree of need study supports issuance of a secure child care facility license in the Child and Adolescent Local Area Network or region of the Department where the applicant is located and the number of beds for which the degree of need exists in that Child and Adolescent Local Area Network or region of the Department.
- c) A new application shall be filed when:
- 1) an application for a secure child care facility license has been withdrawn with Department approval before a decision was made on the application and the applicant seeks to reapply; or
 - 2) the applicant had been licensed previously as a secure child care facility, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or
 - 3) the applicant had been licensed as a secure child care facility, but the Department revoked or refused to renew the license and the requirements of subsection (e) of this Section have been fulfilled.
- d) A new application may be submitted at any time when a secure child care facility license or application has been voluntarily surrendered or withdrawn by the applicant with Department approval unless the applicant has signed an agreement with the Department not to reapply for a license for a specified period of time or has been requested to enter into an agreement with the Department not to reapply for a license but declined to do so within 1 year after the request. Once an

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investigation of the facility has been commenced by the Department's licensing or child protection units, the Department's Office of the Inspector General, a federal or State agency, or a governmental entity, the license may be voluntarily surrendered only with the signed written agreement of the regional licensing administrator on the form prescribed in Appendix C.

- e) If the Department has refused to renew a license, or has revoked a license, the facility may not reapply for a license before the expiration of 12 months after the Department's action.
- f) If the applicant's mailing address, but not the physical location, changes the Department shall be notified immediately, but no later than ten days after the change.
- g) A current, 24 hour access telephone number and, if available, a fax number shall be provided to the Department.

Section 411.50 Licensing Requirements

- a) A license to operate a secure child care facility shall be valid for four years from the date issued unless revoked by the Department or voluntarily surrendered by the licensee as described in Section 411.45 of this Part.

- b) A license shall not be issued retroactively.

- c) The license shall include the licensee's name, the facility name and address, the maximum capacity, and the age and gender of children and youth to be served.

- d) The license shall not be transferred to another person, organization, or sponsor, including corporate or subsidiary, nor shall it be valid for a name, address, or part of the facility other than what is shown on the license.

- e) The facility shall adhere to all of the provisions specified on the license.

- f) The facility shall maintain a degree of financial solvency that assures compliance with the standards prescribed in this Part and assures adequate care of children and youth for whom it has assumed responsibility.

- g) Financial records shall be maintained and kept in the State of Illinois where they shall be readily available for review by the licensing staff.

- h) A certified copy of the facility's annual audit as performed by an independent auditor shall be submitted to the Department annually, as required in Section 411.500 of this Part. For purposes of obtaining initial licensure, the facility shall submit the annual audit of the child care institution that shares the campus with the secure child care facility.

- i) The Department shall be notified immediately if the facility is determined to be financially insolvent.

- j) If the secure child care facility's accreditation status changes for any reason, including but not limited to the commencement of a

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voluntary or involuntary accreditation review, the facility director shall notify the Department of that change immediately.

- k) Changes in the following shall occur only upon prior written approval of the Department:

- 1) The programming modality used by the facility;
 - 2) The capacity of the facility;
 - 3) Any area within the facility used for secure child care; or
 - 4) The security, program and treatment plans to be used by the facility.
- 1) The licensee shall give 90 days written notice to the Department prior to voluntarily closing or terminating its secure child care facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in compliance with the standards listed in this Part until date of closure or until all children are removed and the Department approves, in writing, an earlier date of closure.
 - m) A current license for the secure child care facility shall be publicly displayed at the facility at all times.

Section 411.55 Incorporation

The secure child care facility or responsible governing body shall be incorporated and a copy of the articles of incorporation filed with the Department at the time of application. Later amendments or a certificate of dissolution shall be filed as they occur.

Section 411.60 Responsibilities of the Governing Body

- a) The governing body shall be a board of directors composed of at least five persons. All members of the governing body shall be of reputable and responsible character. Each board member shall certify in writing that:

- 1) he or she has never been indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); and

- 2) the Department has not revoked, refused to renew, or denied a license for a child care facility operated by the individual, or for which the individual served on the governing body at the time the Department revoked or refused to renew a license.

The governing body shall be responsible for maintaining the standards set forth in this Part.

- b) The governing body shall designate and approve the selection of the facility director of the secure child care facility. The facility director shall report directly to the governing body concerning the administration and clinical operation of the secure child care facility.

- c) Each principal shareholder of the secure child care facility (owning 5% or more of the corporate stock), whether or not a member of the

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governing body, shall be of reputable and responsible character and shall certify in writing that:

- 1) he or she has never been indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); and
 - 2) the Department has not revoked, refused to renew, or denied a license for a child care facility operated by the individual, or for which the individual served on the governing body at the time the Department revoked or refused to renew a license.
- d) The governing body shall:
- 1) Establish written by-laws;
 - 2) Assure that the facility operates at all times with an on-site administrator who, by official notice, is made known to the Department;
 - 3) Hold at least 4 meetings annually, on a quarterly basis, at which the facility director shall provide a complete status report on the operation of the secure child care facility and compliance with this Part;
 - 4) Keep written records or minutes of all board meetings reflecting official actions by the board;
 - 5) Officially notify the Department, in writing, of any significant changes in the corporate structure or a change in the administration of the facility, including: articles of incorporation and by-laws, board membership, officers, ownership, and changes in services provided by the facility;
 - 6) Review and approve written policies of the facility that shall be made available to all members of the governing body and employees of the facility, including services to be provided by the facility;
 - 7) Assure that staff have achieved appropriate competency levels for the types of children and youth in the secure child care facility and are administering and implementing the facility's established policies correctly;
 - 8) Assure that the facility has a clearly outlined plan to ensure continuity of care for children and youth admitted to the secure child care program and sufficient linkages to aftercare programs to support children and youth after discharge from secure care;
 - 9) Provide and maintain physical facilities appropriate for the program and supporting services, and assure that damage to facility structures or furnishings is immediately reported and repaired as soon as possible;
 - 10) Assure that all records and documents required by this Part are maintained and kept in the State of Illinois where they shall be readily available for review by licensing representatives;
 - 11) Assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property that the facility may sustain

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through any fraudulent or dishonest act committed by any officer or employee acting alone or in collusion with others; and

12) Assure that all persons working with or having access to children and youth are of reputable character through compliance with 89 Ill. Adm. Code 385 (Background Checks).

Section 411.65 Provisional Licenses

- a) The Department will issue a provisional license for the first two years to applicants for initial license as a secure child care facility when the facility achieves compliance with all of the Department's licensing standards for secure child care facilities. A provisional license shall be valid for a period of two years from the date of issuance.
- b) The Department may restrict the operation of the secure child care facility by attaching provisions to the license, such as those identified in subsection (d) of this Section. In addition, a provisional license may be issued when a former license holder seeks to reapply after the license was voluntarily surrendered or after the Department revoked or refused to renew the former license.
- c) Good cause for issuing a provisional license to a former or current holder of a secure child care facility license is evidenced by, but not limited to:
 - 1) lack of financial responsibility as evidenced by maintaining inadequate assets or by late payment (more than ten days after the scheduled payment date) of tax obligations, bills or other evidence of financial instability;
 - 2) inadequate or missing records or reports, as required by this Part;
 - 3) missing case reviews or court hearings, when staff presence is requested or required, on a regular basis or coming to case reviews or court hearings unprepared on a regular basis;
 - 4) excessive turnover (25% or more turnover within a one-year period or more than provided in the by-laws) in the governing body;
 - 5) excessive turnover (50% or more turnover within a one-year period) among permanent secure child care staff in each unit; or
 - 6) other good cause when supported by adequate documentation that the facility is failing to operate in the interest of the children and youth served.
- d) The facility shall adhere to the provisions specified on the license that may include, but are not limited to:
 - 1) establishing specific supervisor/child welfare staff ratios that the facility must maintain;
 - 2) requiring at least six bi-monthly meetings of the Board of Directors and greater involvement from the Board of Directors in facility operations;
 - 3) requiring oversight by a certified public auditor who provides periodic reports to the Department; or

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- 4) requiring other supportive or corrective measures as deemed necessary in writing by the Department.

Section 411.70 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to the secure child care facility by the Department six months prior to the expiration date of the license. The completed application shall be submitted to the Department 90 days prior to the expiration date of the license.
- b) Upon receipt of a complete signed application for a license, the Department shall conduct a licensing study in order to determine that the secure child care facility meets licensing standards. The study shall include an on-site visit of the premises and a review of the records of the facility as the Department considers necessary in order to determine that the facility meets or continues to meet the licensing standards for a secure child care facility. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The Department shall either:
- 1) Renew the license if the Department is satisfied that the facility continues to maintain the minimum licensing standards; or
 - 2) Refuse to renew the license.

- c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made.

Section 411.75 Grounds for Revocation or Refusal to Issue or Renew a License

The Department may revoke a license or refuse to renew a license of any secure child care facility if there is a finding that the licensee or the licensee's governing body or employees did any of the following:

- a) Failed to maintain standards prescribed by Department rules or applicable laws.
- b) Violated any of the provisions of the license issued.
- c) Acted to conceal, misrepresent, or falsify any condition, action, or omission that would demonstrate non-compliance with rules or procedures or a violation of any federal, State, or local law or court order.
- d) Failed to submit to the Department required reports or failed to make available to the Department any records required by the Department in conducting an investigation of the facility for licensing purposes.
- e) Failed or refused to submit to or fully cooperate with an investigation required by the Department.
- f) Failed or refused to admit authorized representatives of the

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- Department at any time for the purpose of investigation.
- g) Failed to provide, maintain, equip, and keep in a safe, secure, and sanitary condition premises established or used for secure child care required under standards prescribed by the Department rules or required by any law, regulation, or ordinance applicable to the location of the facility.
 - h) Failed to limit the activities of an employee, volunteer or intern at the facility who is the subject of an indicated report under the Abused and Neglected Child Reporting Act [325 ILCS 5] as required in 89 Ill. Adm. Code 385.30 (Background Checks).
 - i) Failed to exercise reasonable care in the hiring, training, and supervision of facility personnel.
 - j) Failed to report suspected abuse or neglect of children or youth within the facility, as required by the Abused and Neglected Child Reporting Act.
 - k) Failed to report to the Department unusual incidents as required in Section 411.500 of this Part.
 - l) Was identified in an investigation by the Department or a law enforcement or other regulatory agency as a licensee who is employing a substance abuser as defined in Section 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and the individual does not comply with the standards relating to the character, suitability, or other qualifications established under this Part.
 - m) Failed to correct any condition that may jeopardize the health, safety, security, or welfare of children or youth served by the facility.
 - n) Failed to correct any condition or occurrence relating to the operation, security, or maintenance of the facility.
 - o) Failed to maintain financial resources adequate to administer a secure child care facility.

Section 411.80 Complaints Concerning Licensees

- a) Complaints alleging abuse or neglect of children or youth shall be reported immediately to the State Central Register in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5].
- b) The Central Office of Licensing shall be notified in writing within ten business days after receipt of any notice of legal action that may affect the operations of the facility. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the facility. The Central Office of Licensing shall forward a copy of all materials to the Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago, Illinois 60601.
- c) All other complaints concerning secure child care facilities shall be directed orally or in writing to the licensing representative serving the facility, if known, or to the:

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Central Office of Licensing
 Department of Children and Family Services
 406 East Monroe
 Springfield, Illinois 62701
 (217) 785-2688

Section 411.85 Investigation of Complaints, Potential Deficiencies, or Violations Concerning Licensees

- a) Complaints alleging abuse or neglect of children or youth in the facility shall be investigated by the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).
- b) The Department shall initiate a timely investigation of all other licensing complaints, potential deficiencies, violations, or evidence of grounds for revocation or termination of the license.
- c) Department investigations shall include an interview with the person making the complaint, if known, and with others who may have knowledge relevant to the complaint or deficiency.
- d) An unannounced visit by the licensing representative shall be made to the location of the facility.
- e) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for revocation of the facility license.

Section 411.90 Disposition of Complaints, Potential Deficiencies, or Violations Concerning Licensees

Disposition of licensing complaints or licensing violations shall be handled in accordance with 89 Ill. Adm. Code 383 (Licensing Enforcement).

Section 411.95 Closure Order

- a) Whenever the Department finds that the continued operation of a secure child care facility jeopardizes the health, safety, morals or welfare of the children served by the facility, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate license revocation proceedings within ten working days.
- b) A facility closed under this Section may not operate during the pendency of any circuit or appellate court review of the decision by the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.
 - 1) Those children residing at the facility shall be moved immediately.
 - 2) All children's records, personal property, and any medication shall be released to the children's caseworkers.
 - 3) The names and addresses of all staff shall be provided to the

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children's caseworkers.

SUBPART C: PROGRAMMING AND MONITORING

Section 411.100 Purpose and Mission

A current written statement of the mission, philosophy, goals, and purposes of the secure child care facility shall be maintained by the facility and be readily available for review by the Department.

Section 411.105 Standard Program Plan

- a) All secure child care facilities shall comply with the Department's standardized program plan for secure child care facilities and with the requirements of 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program Treatment) staff shall meet the requirements established by 59 Ill. Adm. Code 132 for the provision of mental health and rehabilitative services, as well as additional requirements specified in Subpart E of this Part.
- b) Secure child care facilities shall be clinically intensive and highly structured in terms of programming and staff supervision. Placement in a secure child care facility shall not be used as a substitute for quality treatment and skilled intervention. All treatment plans shall be based upon the mental health or rehabilitative assessment and individualized with the following program components and services available: individual therapy or counseling; group therapy or counseling; family therapy or counseling; therapeutic activities; educational programming; milieu therapy; a behavior management plan; case management services; and program evaluation based on key performance indicators. In coeducational facilities, separate wings shall be provided for male and female children and youth.

Section 411.110 Admission Requirements

- a) Only children and youth who are 13 years of age or older but less than 18 years of age for whom the Department is legally responsible may be placed in the secure child care facility in accordance with Section 5(m-1) of the Children and Family Services Act [20 ILCS 505/5(m-1)]. Each child or youth admitted to a secure child care facility must fully meet the admission requirements established by the Department.
- b) Prior to admission to a secure child care facility, an independent examiner approved by the Department shall complete a face-to-face clinical evaluation of the child or youth and shall complete a written report in the required format that states the child or youth meets the requirements established by the Department for admission to a secure child care facility and the reasons for admission. This report shall include the following components:
 - 1) An analysis of the child's or youth's presenting problems;

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- 2) An assessment of the child's or youth's response to his or her current treatment plan and the capacity of the current placement to meet the child's or youth's clinical needs;
 - 3) A mental status examination, estimate of intellectual functioning level, and DSM-IV or ICD-9-CM diagnosis;
 - 4) An assessment of the child's or youth's level of risk to self and/or others;
 - 5) An assessment of the appropriateness of less restrictive placement and treatment options;
 - 6) A listing of the conditions under which the child or youth may be placed in a non-secure treatment program;
 - 7) An assessment of the appropriateness of psychiatric hospitalization; and
 - 8) An assessment of the communication requirements of the child and family, to include oral and written communication in a language other than English and alternative modes of communication for the visually, speech and hearing impaired.
- c) The facility director shall review the referral material to assure that the child or youth meets the admission requirements, and shall submit the application to the Director or designee.
- d) If a child or youth meets the requirements established by the Department for admission to a secure child care facility, the Director or designee shall review the child's or youth's case history, permanency goals, and clinical evaluation in order to determine whether admission to a secure child care facility is in the best interests of the child or youth. The decision to admit requires this level of approval.
- e) Upon approval by the Director or designee, a written request for consent to admit the child or youth to a secure child care facility shall be submitted to the Department's Office of the Guardian.
- f) Admission to the secure child care facility shall be consistent with the requirements for child residents set forth in the Mental Health and Developmental Disabilities Code [405 ILCS 5]. At a minimum, this shall include the following:

- 1) An application for admission written in clear non-technical language and including a statement in bold face type notifying the child or youth of his or her right to object to the admission and of the right to a hearing;
- 2) A statement listing the child's or youth's rights along with the address and telephone number of the regional offices of the Guardianship and Advocacy Commission and Equip for Equality, Inc., and documentation that notice of submission of the application has been provided to the child's or youth's attorney, Guardian ad Litem, foster parents, and parents;
- 3) Completion of necessary release of information forms that are in full compliance with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]; and
- 4) A written description of the secure child care facility's

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- g) A child or youth shall not qualify for admission to a secure child care facility based solely on a history of elopement. Admission must be based on a documented clinical finding that the child's or youth's behavior poses an established pattern of foreseeable serious risk of bodily harm to self or others.

Section 411.115 Admission Processing and Case Management

- a) At the time of intake, children and youth shall be informed of the admission process, given an explanation of the facility and its program, introduced to staff on duty and to other children and youth in the unit, and assigned a Qualified Mental Health Professional (QMHP) or Licensed Practitioner of the Health Arts (LPHA).
- b) The facility intake processing of children and youth shall include at a minimum:

- 1) A determination that appropriate admission documentation is received;
- 2) A search of the child or youth and his or her possessions conducted in accordance with Section 411.195 of this Part;
- 3) An inventory documenting the receipt and disposition of personal property;
- 4) Shower, hair care, and pediculosis management, if necessary;
- 5) Issuance of clean, laundered clothing, as needed;
- 6) Issuance of personal hygiene articles;
- 7) Medical, dental, and mental health record assessment review;
- 8) Assignment to a residential unit. Housing assignments shall be non-discriminatory. Children and youth with disabilities shall be housed in a manner that provides for their safety and security and provides integration with the general population;
- 9) Recording of basic personal data and information to be used for mail and visiting lists;
- 10) Provision and explanation of written orientation materials, including clients' rights and grievance procedures, to the child or youth;
- 11) Identification of security concerns;
- 12) Identification of restrictions or special needs; and
- 13) Four photographs of the child's or youth's upper torso and head: one copy for the master record file; one copy for the medical file; one copy for the staff control room described in Section 411.600 of this Part; and one copy for the caseworker. Current pictures shall be updated when the child's or youth's appearance changes enough to make a positive identification difficult, but at least every 12 months.

- c) A preliminary treatment or rehabilitative plan shall be completed on the day of admission by a QMHP. The development of this plan shall be based upon the pre-admission clinical evaluation and a clinical interview at the time of admission. This plan shall be reviewed and

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approved by an LPHA or the medical director within 24 hours. The plan shall specifically address the following items:

- 1) Precautions or special procedures that are to be fully implemented immediately after completion of the admission process and clinical interview with the QMHP;
- 2) Presenting problems and chief complaint;
- 3) History of risk behavior (e.g., suicide, assault, self mutilation, elopement, etc.);
- 4) Initial treatment programming;
- 5) Assignment of primary therapist or counselor (QMHP or LPHA);
- 6) Restrictions;
- 7) A copy of the pre-admission clinical evaluations attached to the preliminary plan; and
- 8) If the child or youth is limited English-speaking or visually, hearing or speech impaired, the method of communication that will be used for the provision and delivery of services to the child or youth.
- d) If the child or youth is on psychotropic medication, any prescription and supply of medication shall be given to nursing staff.
- e) Within 24 hours following admission, the child or youth shall receive a physical examination conducted by a physician and follow-up routine medical care. Emergency medical care shall be provided immediately on an as needed basis. The secure child care facility shall verify and/or assure that the child or youth is enrolled in Healthworks.
- f) Within 72 hours following admission, the medical director or designated psychiatrist shall conduct a psychiatric examination of the child or youth.

Section 411.120 Mental Health and Rehabilitative Services

- a) Within 3 days following admission, a service needs evaluation or rehabilitative assessment shall be completed to determine the child's or youth's mental health needs and treatment. The assessment shall include a face-to-face interview with the child or youth, and direct contact with persons having first-hand knowledge of the child's or youth's symptoms and/or maladaptive behavior that led to the admission. This assessment will also include, at a minimum:
 - 1) Identifying information;
 - 2) Extent, nature and severity of presenting problems;
 - 3) Personal and family history, including the history of mental illness in the family;
 - 4) Cognitive functioning;
 - 5) History of mental health treatment;
 - 6) Present level of functioning, including social adjustment and daily living skills;
 - 7) Legal status of the child or youth;
 - 8) Level of education;
 - 9) Previous employment, acquired vocational skills and

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activities/interests;

- 10) History of and/or current alcohol or chemical dependency;
 - 11) Previous and current psychotropic medications, last physical examination and any known medical problems; and
 - 12) Resource availability.
- The needs evaluation or rehabilitative assessment shall be reviewed and approved by the medical director.
- b) Within 5 days following admission, the master individual treatment or rehabilitative services plan (ITP or RSP) shall be developed by a secure child care facility multi-disciplinary team with participation of the child or youth, the parents and/or Guardian ad Litem, the caseworker, the Department gatekeeper, clinical staff from the pre-admission placement, and clinical staff from the post-discharge target placement. The ITP or RSP shall include the DSM-IV or ICD-9-CM diagnosis determined by the medical director or designated psychiatrist. The ITP or RSP shall include, at a minimum, the following information:
 - 1) Overall goals of treatment;
 - 2) Specific mental health or rehabilitative services to be provided;
 - 3) Goals and objectives (if an ITP);
 - 4) Expected outcomes;
 - 5) Frequency or duration;
 - 6) Responsible staff;
 - 7) Precautions for high risk behavior;
 - 8) Specialized behavior modification programming;
 - 9) Summary of physician orders (including medications); and
 - 10) Criteria for discharge and step-down to a non-secure living arrangement.

- c) The secure child care facility shall notify the Department's Office of the Guardian in event that representatives of the pre-admission placement and targeted post-discharge placement fail to participate in the treatment and discharge planning process, including attendance at all staffings.
- d) The ITP or RSP shall be reviewed during weekly staffings and modified if necessary. The assessment shall consist of a face-to-face interview with the child or youth and personal contacts with persons with first hand information about the child's or youth's behavior. The medical director or LPHA shall approve the ITP or RSP and any modifications, and such approval shall be documented in the client file.
- e) Medicaid community mental health services (with the exception of assessment and crisis intervention) shall be provided following the assessment and shall be consistent with the treatment or services plan. Services can only be provided by individuals possessing the required qualifications for each discrete service as defined by 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program). These services include:
 - 1) Individual, Group or Family Therapy (ITP only);
 - 2) Psychotropic Medication Administration, Monitoring and Training

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(ITP only);

- 3) Individual, Group or Family Counseling;
 - 4) Individual or Family Social Rehabilitation;
 - 5) Individual or Group Rehabilitative Stabilization;
 - 6) Developmental Rehabilitative Services;
 - 7) Client-centered or Rehabilitative Consultation;
 - 8) Intensive Family-based Services; and
 - 9) Case Management Services.
- f) Secure child care facilities are required to have a written plan of utilization review. Utilization review activities shall be ongoing on a quarterly basis and designed to assess through individual case review the appropriateness of:
- 1) Admission to Medicaid Community Mental Health Services;
 - 2) Intensity/level of services; and
 - 3) Continued services.
- g) In order to document mental health and rehabilitative services, the secure child care facility shall maintain a clinical record for each child or youth. The clinical record shall include:
- 1) Identifying information, including the child's or youth's preferred mode of communication and the communication requirements of any other persons involved in the child's or youth's case (i.e., parents, siblings, foster parents, etc.);
 - 2) Documentation of consent for mental health services;
 - 3) Assessment and reassessment reports;
 - 4) A current ITP or RSP, progress notes and reviews;
 - 5) Documentation concerning the prescription and administration of psychotropic medications;
 - 6) Documentation of missed appointments;
 - 7) Documentation of child or youth movement (referral or transfer) to or from the provider's programs or to or from other providers;
 - 8) Documentation to support services rendered for which reimbursement is claimed;
 - 9) Comprehensive services provided on a daily basis;
 - 10) Periodic reviews of child or youth progress;
 - 11) A record of the child's or youth's major accidents or incidents that occur at the site, and when the child's or youth's placement is terminated; and
 - 12) A discharge summary documenting the outcome of treatment.
- h) Secure child care facility programs specializing in the treatment of sexually aggressive children and youth (SACY) shall comply with Department guidelines and standards for this population.
- i) The secure child care facility shall comply with the Department's Medicaid billing system requirements as specified by the contract program plan.

Section 411.125 Behavior Intervention Plans in Secure Child Care Facilities

In accordance with 89 Ill. Adm. Code 384 (Discipline and Behavior Management in

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Child Care Facilities), the secure child care facility shall develop a behavior intervention plan that describes the policies and procedures concerning crisis intervention, behavior intervention techniques, and behavior management techniques. The behavior intervention plan shall be approved by the governing body of the secure child care facility and the Department.

Section 411.130 Restrictive and Invasive Behavior Management Procedures

A secure child care facility may incorporate seclusion and mechanical restraints in its behavioral management plan only when specifically approved in writing by the Director or designee. When a facility has obtained written approval for the use of seclusion and mechanical restraints, the facility shall immediately incorporate clear policies and procedures for utilization in its behavioral management plan. The plan shall clearly state that seclusion and mechanical restraint shall be used only as a therapeutic measure to prevent a child or youth from causing physical harm to self or others. The use of seclusion and restraint in secure child care facilities is governed by Sections 2-108 and 2-109 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-108 and 2-109].

The maximum length of time a child or youth can be ordered into seclusion or mechanical restraint is 2 hours. If further restraint or seclusion beyond the initial 2 hour limit is necessary, the medical director or designated physician must personally observe and examine the child or youth. Based upon this examination, the medical director or physician may order restraint or seclusion to continue for an additional 2 hour period. No child or youth shall be placed in restraint or seclusion for more than 4 hours during any 24 hour period.

Section 411.135 Precautions for High Risk Behavior

- a) The secure child care facility shall develop special precautions and procedures that shall be ordered by the medical director or registered nurse and implemented by staff when children or youth present high risk behaviors that could result in death or injury to the child or youth and/or other persons. Specifications for precautions shall be set out in the standardized Secure Child Care Facility Program Plan and shall address the following high risk situations/circumstances:
 - 1) suicide attempts, gestures, or ideation; self-hurtful (e.g., mutilation) behavior; assaultive behavior; elopement behavior; and sexual acting out.
- b) Precautions for high risk behavior shall also specify:
 - 1) criteria for implementing special precautions;
 - 2) responsibilities of staff;
 - 3) communication from shift to shift and documentation requirements;
 - 4) criteria for discontinuation of the precautions for high risk behavior;
 - 5) levels of precaution intensity (e.g., close observation vs. suicide precautions); and

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- 6) criteria for determining if acute psychiatric hospitalization is indicated.
- c) All secure child care facility staff shall be fully trained and knowledgeable about the facility's precautions for high risk behavior.

Section 411.140 Supervision of Children

- a) Primary supervision of children and youth shall be provided by trained secure child care staff who shall work under the supervision of a registered nurse or a secure child care supervisor.
- b) The secure child care facility shall provide the following minimum shift coverage for children and youth residing in the facility:
- 1) One child care staff must be present and on duty for every three children and youth (i.e., 1:3 ratio) while children and youth are awake and on the premises. This would include the day (7:00 a.m. to 3:00 p.m.) and evening (3:00 p.m. to 11:00 p.m.) shifts.
 - 2) For the night shift (11:00 p.m. to 7:00 a.m.), there shall be at least one child care staff for every five children and youth (i.e., 1:5 ratio). At no time shall there be less than two staff awake and on duty.
 - 3) At least one shift supervisor must be on duty during each shift.
 - 4) Unless the assigned shift supervisor is a Registered Nurse, a Registered Nurse must also be on duty during the shift.
 - 5) When both males and females are housed in the facility, at least one male and one female staff member shall be on duty at all times.
 - 6) Minimum shift coverage applies 7 days per week, including holidays.

- c) A verbal report shall be given concerning the status of all children and youth at shift change. A written shift note documenting the child or youth's progress shall be entered into each child's or youth's client file. All staff shall be made aware of special precautions and treatment programming that is to be implemented during their shift.
- d) Secure child care staff shall provide continuous supervision and monitoring of all children and youth at all times. Staff shall have continuous line of sight supervision whenever 2 or more children or youth are congregated. Special precaution orders for high risk behaviors shall supersede or supplement the requirement of this subsection.
- e) Written shift assignments and position descriptions that state the duties and responsibilities for each assigned secure care staff position in the facility shall be maintained. Shift assignments shall specify the basic monitoring and supervision requirements to assure safety and a therapeutic milieu. Special precaution assignments are always supplemental to the minimum requirement for supervision and monitoring provided in the secure child care facility.
- f) Secure child care staff shall be required to read and document their review of the appropriate shift assignment each time they assume a new

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- position.
- g) The sleeping arrangements for children and youth shall be determined by the medical director or designated psychiatrist. All children and youth shall be placed in single occupancy bedrooms.

Section 411.145 Psychiatric Hospitalization

- a) If staff of the secure child care facility have cause to believe that a child or youth needs psychiatric hospitalization, the facility shall comply with requirements for the Department's Screening, Assessment, and Support Services (SASS) program for a pre-admission screening for psychiatric hospitalization. Secure child care facility staff shall assist SASS with the screening process and, if the child or youth meets the standard for admission, shall accompany the child or youth to the hospital.
- b) In high risk emergency situations, a child or youth may be transported directly to the hospital emergency room. The secure child care facility shall immediately notify SASS and the required screening will be conducted at the hospital.
- c) If the secure child care facility medical director or consulting physician and the SASS agent are in disagreement about the need for hospitalization, the medical director's or physician's recommendation shall be followed.
- d) Staff of the secure child care facility will comply with all Department procedures concerning their responsibilities during the child's or youth's hospitalization, and for discharge, transition and post-hospital services.

Section 411.150 Authorization for Continued Placement

- a) The Director or designee may issue one or more written authorizations for continued placement in secure care on behalf of a child or youth who has resided in secure care for more than 60 days and who continues to require a secure care placement. Each such authorization shall be issued in increments not to exceed 30 days.
- b) Prior to authorizing continued placement, the Department shall obtain a clinical evaluation of the child or youth by an independent examiner to determine whether:
- 1) The child or youth meets the requirements established by the Department for admission to a secure child care facility;
 - 2) The child's or youth's response to treatment has not resulted in clinical stabilization and/or a reduction of symptoms associated with the child's or youth's presenting problems sufficient to safely move the child or youth to a non-secure placement;
 - 3) The child or youth continues to present a serious risk of bodily harm to self and/or others;
 - 4) The child or youth continues to have a mental illness or emotional disturbance consistent with DSM-IV diagnostic criteria;

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- and
- 5) All less restrictive placements and treatment alternatives have been ruled out as inappropriate to meet the child's or youth's clinical and safety needs.
 - c) Continued placement in a secure child care facility is limited to children and youth who are less than 18 years of age, who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].
 - d) The Department shall not authorize continued placement of a child or youth in a secure child care facility if a court review of the placement is not conducted within 60 days after initial placement, as required by Section 2-27.1 of the Juvenile Court Act of 1987 [705 ILCS 405/2-27.1].

Section 411.155 Discharge Planning Requirements

- a) Discharge planning shall begin on the day of admission to the secure child care facility, and shall be included as a primary component of the master individual treatment plan (ITP) or rehabilitative services plan (RSP) described in Section 411.120(b) of this Part. Subsequent discharge staffings shall be conducted no less frequently than every 30 days and shall include the participants required in Section 411.120(b). If the target discharge placement is a community-based living arrangement, a representative of the Child and Adolescent Local Area Network Child and Family Team shall also attend the discharge staffings.
- b) Criteria for assessing readiness for discharge shall be cessation or reduction of the symptoms and/or maladaptive behavior that led to the admission. Improvement shall be tied to reduction of risk issues presented by the child or youth and stabilization in the secure child care facility.
- c) Continued placement in a secure child care facility is limited to children and youth who are less than 18 years of age, who are subject to placement under the Children and Family Services Act and who are not subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].

Section 411.160 Recreation and Leisure Time Activities

- a) The facility shall have a recreation worker who directs and supervises all recreation programs required in the program plan. Recreation workers shall have a bachelor's degree and the capacity to accept supervision and to work cooperatively with other staff and a variety of persons external to the program. Recreation workers shall demonstrate an ability to assess and meet the recreation and activity

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- needs of the children.
- b) Children and youth shall be granted access to recreational opportunities and equipment that are appropriate for their age, maturity, and physical development, including outdoor exercise when the climate, medical, and safety and security concerns permit. Cold temperatures, snow and rain, alone, are an insufficient basis to deny outdoor exercise.
 - c) A variety of fixed and movable equipment shall be provided for indoor and outdoor recreation suitable for the security requirements of the children and youth being served. Care shall be taken to limit access to potential weapons. Staff shall maintain line of sight supervision of all activities. Contact sports shall not be permitted. Medical screening shall govern child and youth participation.
 - d) Recreation and leisure-time shall be provided for at least one hour per day of large muscle activity and one hour of structured leisure-time activities, except for limitations imposed by the secure child care facility director on a limited basis. Each child or youth shall be offered at least one hour of access to outdoor exercise areas daily. Cold temperatures, snow and rain, alone, are an insufficient basis to deny outdoor exercise. Limitations shall be based on medical, administrative, or safety or security concerns and require the approval of the child's or youth's caseworker.

Section 411.165 Educational Services

- a) The facility shall establish a written plan governing the facility's 12-month full time (as defined by the Illinois State Board of Education) academic, vocational education, and work training programs for children and youth residing in the secure care facility, including program accreditation, staff certification, coordination with other facility programs and services, and planning for continuing care and release to a less restrictive educational setting.
- b) There shall be a comprehensive individual program for each child or youth based on his or her need that may include, but is not limited to: developmental education; remedial education; special education; multi-cultural education; bilingual education; and, when the child's or youth's profile indicates, an adaptive physical education and tutorial service.
 - 1) The facility program shall ensure that:
 - A) Each child or youth is evaluated, staffed, and placed in an appropriate grade and program with an individualized educational plan; and
 - B) There is periodic evaluation of each child's or youth's progress and needs. The facility shall ensure that each child or youth has available to him or her the necessary school supplies, textbooks, materials, and equipment to support the learning tasks.
 - 2) Each child or youth may participate in an approved program of

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cooperative work training and life skills development. Such programs may include household tasks and facility cleaning and maintenance appropriate to the child's or youth's age and skill level. No child or youth shall be permitted to do tasks that are hazardous or dangerous or that risk harm to the child or youth. All work shall be under continuous staff supervision.

The program plan shall include a description of the approved program of cooperative work training and life skills development. The secure child care facility shall hire and maintain sufficient staff to perform household, cleaning and maintenance tasks. The facility may not order work to be performed by children or youth in lieu of hiring or replacing staff.

- 3) These programs shall comply with applicable federal and State laws and with the requirements and standards established by the Illinois State Board of Education. The operation of the school shall be by a public or private Board of Education that conducts a system of schools at the elementary or secondary grade level or both. Children and youth shall receive academic and vocational credits for educational achievement that can be transferred to schools in the community and diplomas shall be awarded by the school system having jurisdiction.

- 4) Teachers employed in the facility's educational programs that offer academic credit shall meet the requirements of the Illinois State Board of Education, including appropriate certification.

- 5) Vocational supervisors, tutorial instructors, school psychologists, social workers, school nurses, aides, librarians, and administrators shall have licensure or State certification appropriate to the grade level served, the educational status of the children or youth, and the curriculum.

Section 411.170 Religious Programs

- a) The religious beliefs and rights of children and youth shall be legally protected.
- b) Subject to concerns regarding safety, security, rehabilitation, and institutional order, each child or youth shall have reasonable opportunity to pursue spiritual development and/or religious instruction of his or her own faith, or that of his or her parents, the parent or guardian (if residual parental rights have been legally terminated) for the child or youth to participate in religious instruction of another faith. Space shall be available for the observance of religious activities. Schedules for religious services shall be made available to all children and youth.
- c) Children and youth shall be permitted to participate in religious services either singularly or in groups.

Section 411.175 Client Files

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- a) A master record file shall be established and maintained on a current basis for each child or youth.
- b) The master record file shall include, at a minimum, the following applicable information: the child's or youth's name, age, sex, place of birth, and race or nationality; initial intake information form, including documented reason for admission to the secure child care facility; current photographs of the child or youth; case and social history; medical consent form; name, relationship, addresses and phone numbers of parents, guardians, and significant others; driver's license, social security, Department record and Medicaid numbers; court records, individual treatment plan and program goals; signed release of information forms, where required; progress reports; program rules and disciplinary policy signed by the child or youth; disciplinary and grievance records; referrals to other agencies; discharge report; visitors list; Guardian ad Litem and/or attorney of record; administrative case review documentation; and child or youth-related correspondence. Health and educational records are also considered part of the child master record file, but may be maintained in separate locations.
- c) Master record file entries shall be dated and the source of the information and the author of the entry shall be identified.
- d) Master record files are confidential and shall be safeguarded from unauthorized and improper access, disclosure, and loss. Access to computerized records shall be controlled and restricted on a need-to-know basis. Security measures shall be taken to ensure the integrity and confidentiality of any computer record.
- e) Whenever a child or youth is discharged from the secure child care facility, a copy of the child master record file, including individual medical and educational records, shall be provided to the child's or youth's caseworker.
- f) The licensing representative and the child's or youth's caseworker shall have access to master record files upon request. Disclosure of child master record file material to others is subject to procedures outlined in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department) and Section 411.300 of this Part.

Section 411.180 Security Procedures

- a) The secure child care facility shall maintain a security manual that, at a minimum, shall contain policies and procedures related to: counts, child or youth movement, transportation, contraband control, facility inspection, child and visitor searches, security post descriptions, escape and emergency plans, use of force, use of restraints and behavioral management and intervention techniques, control of caustic, flammable and toxic materials, facility program schedule, classification policies, discipline, confinement, key and tool control, mail, visits, use and storage of security equipment,

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crisis instructions and suicide prevention, investigations, and reporting of unusual incidents. The facility shall have the security manual readily available for inspection upon request by the Department.

b) The staff control room, described in Section 411.600 of this Part, shall serve as the facility command and communication center and may serve as the point of issue for facility keys and security equipment.

1) The facility shall have a communication system between the control room and all children's living, activity, and program areas. This may include an intercom or closed circuit television system.

2) The control room may also serve as the point of control of the fire alarm system, staff and visitor sign-ins, and mail.

c) The facility's perimeter shall be controlled by appropriate means to ensure children and youth remain within the facility perimeter and to prevent access by the general public without proper authorization.

d) The facility shall prohibit any children or youth, or group of children or youth, from having control or authority over other children or youth.

e) Staff shall control children's and youth's access to all areas of the facility.

f) Access to supplies shall be determined by the secure child care facility director based on operational needs.

g) The shift supervisor shall conduct a security inspection each shift of all areas within the facility occupied by children and youth. All other areas and security devices shall be inspected by designated staff each week.

1) The supervisor shall document in the shift log that he or she conducted the security inspection of all areas within the facility occupied by children and youth during the shift and the results of that inspection.

2) The weekly inspection reports shall be submitted to the facility director on report forms that contain, but are not limited to:

A) A list of all items or areas to be inspected and an indication that each item or area was inspected;

B) Any deficiency detected;

C) The name of the staff conducting the inspection;

D) Whether the inspection is a shift or weekly inspection; and

E) The date and time of the inspection.

3) Areas or items to be inspected daily and included in the weekly report shall include, but not be limited to:

A) Living and activity areas;

B) Yard and open areas;

C) Walls, fences, and all perimeter areas;

D) Windows and screens;

E) Grilles;

F) Doors and locks;

G) Vent ducts;

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H) Walls and ceilings;

I) Tunnel entrances;

J) Video systems; and

K) Metal detectors.

h) Unusual incidents shall be reported in accordance with Section 411.500 of this Part. Persons injured in an incident shall be provided with immediate access to medical services.

i) Contraband shall be prohibited within the facility.

j) The facility shall establish a log to record in sequential chronological order all actions that result in the placement of a child or youth on room restriction, time-out restriction to his or her room for purposes of regaining control, placement in locked seclusion, placement on suicide precautions, or use of physical or mechanical restraint. The log shall include the date, name, type of action, time action was imposed, time action was withdrawn, the reason, and authorizing staff name. All entries shall be signed and dated. The log shall serve as the central register for all actions taken to address mental health issues, suicidal behavior, or behavior modification plans. Logs shall be retained for at least two years.

k) Routine information, emergency situations, and unusual incidents that occur on each shift shall be recorded in a permanent bound shift log.

1) All log entries shall be dated and signed by the person responsible for the entry.

2) The log shall be reviewed and the review acknowledged by each succeeding shift supervisor.

3) Shift logs shall be retained for at least two years and shall be available for inspection by the Department.

Section 411.185 Child Counts

a) The secure child care facility shall develop a system for physically counting each child or youth at the start, approximately in the middle, and end of each shift. The system shall include strict accountability for all children and youth assigned to the facility, including all children and youth present at the facility, all children and youth on authorized absence, all children and youth released for any reason, and all children and youth discharged from the facility during each shift.

b) A formal record of these counts shall be made and signed by the shift supervisor prior to the end of his or her shift.

c) Counts shall be reconciled daily with the official record of all admissions to and discharges from the facility.

Section 411.190 Child Movement

a) Staff shall regulate and supervise all child and youth movement.

b) The facility shall establish a written plan that governs the transportation of children and youth outside the secure child care

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facility. The facility shall have the plan readily available for inspection upon request by the Department.

- 1) It is the responsibility of the facility to provide secure transport of children and youth and to ensure vehicles operated comply with applicable motor vehicle laws, including insurance and inspection requirements.
- 2) Staff must have a valid driver's license and operate vehicles in accordance with applicable motor vehicle laws while on duty.
- 3) The Department must approve any security modifications to vehicles that include addition of security screens, plexiglass partitions or window borders, or other modifications.

Section 411.195 Searches for and Control of Contraband

a) The facility shall develop a written plan that governs searches for contraband materials, and clearly describes the facility's policies concerning searches of the children or youth, their property, their rooms, and the possessions of visitors. The plan shall be approved by the Department. At a minimum, facilities shall conduct the following searches:

- 1) search of the child's or youth's property at the time of initial admission to the secure child care facility;
- 2) search of the property of all visitors along with continuous observation;
- 3) search of children's or youth's bedrooms if contraband is suspected.

b) Body cavity searches and strip searches for contraband are prohibited.

c) Body inspections may be ordered by the medical director to determine if a child or youth is engaging in self-mutilation or other serious self-destructive behavior hidden by the child's or youth's clothing. This procedure shall be conducted in private by 2 trained staff members of the same sex as the child or youth and shall be documented in an unusual incident report.

Section 411.200 Criminal Violations

a) The secure child care facility shall develop a plan for assessing incidents involving alleged violations of criminal law to determine whether the involvement of law enforcement officials is appropriate or whether the behavior should be managed therapeutically within the facility.

b) The facility shall file an unusual incident report when an alleged violation of criminal law occurs, whether or not law enforcement officials are involved.

Section 411.205 On-site Inspection of Programs, Security, and Operations

a) Prior to recommending issuance of a license, the site of a proposed

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secure child care facility shall be inspected by licensing representatives.

b) On-site reviews of programs, security, and operations shall be completed by the licensing representative prior to recommending issuance of a license and at least annually thereafter.

c) Authorized representatives of the Department shall be admitted to the secure child care facility during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 [225 ILCS 10] and standards set forth in this Part.

d) Authorized representatives of an independent monitor appointed by the Department shall be admitted to the secure child care facility during the hours of operation for the purpose of evaluating the care and treatment provided to children and youth placed in the facility. In addition, the independent monitor shall review and assess outcome measures and critical events, including but not limited to:

- 1) Length of stay of all children and youth;
- 2) Successful step-down to non-secure programming within 30 days and within 60 days;
- 3) Psychiatric hospitalizations;
- 4) Unauthorized absences (runaway);
- 5) Unplanned discharges;
- 6) Utilization of restrictive procedures;
- 7) Unusual incident reports;
- 8) Restriction of rights notification and implementation;
- 9) Injuries to children or youth and staff;
- 10) Stability of post-discharge placement; and
- 11) Grievances.

SUBPART D: CLIENT RIGHTS

Section 411.300 Client Rights and Confidentiality

a) The legal rights of children and youth shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

b) The confidentiality of records for children and youth placed or residing in secure child care facilities shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

c) Staff of the secure child care facility shall inform children and youth, in writing, of:

- 1) Their rights in accordance with subsections (a) and (b) of this Section;
- 2) Their right to contact protection and advocacy agencies such as the Guardianship and Advocacy Commission and Equip for Equality, Inc., their attorney, Guardian ad Litem, foster parents, and/or parents. Staff shall offer to assist children and youth in contacting these groups or individuals, and shall give each child

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or youth the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.; and

- 3) Their right to contact the Department.
- d) The facility shall develop and implement a written plan of action describing how the facility will address the communication requirements of each child or youth and family in their preferred mode of communication. The plan shall address oral and written communication, as well as alternative modes of communication for the visually, hearing and speech impaired.

- 1) The facility shall assure that all written materials available for English-speaking clients are either available in each individual client's preferred mode of communication or are translated orally to the client in his or her preferred mode of communication. Copies of translated documents and documentation of oral translations shall be placed in the client file.

- 2) The information in subsection (c) of this Section shall be explained using the child's or youth's preferred mode of communication and documentation of the explanation shall be placed in the client file.

- e) Justification for restriction of client rights under the statutes cited in subsections (a) and (b) of this Section shall be documented in the client file. In addition, the child or youth affected by such restriction, the parents, attorney, Guardian ad Litem, the Guardianship and Advocacy Commission, and any agency designated by the client pursuant to subsection (c)(2) of this Section shall be notified of the restriction.

- f) Every child and youth shall be free from all forms of abuse and neglect, including physical, emotional, medical, etc.

- g) Children and youth, their parents and/or guardians may appeal service decisions made by staff of the secure child care facility through the service appeal process (89 Ill. Adm. Code 337), through a formal grievance procedure established by the secure child care facility, or both. If a secure child care facility establishes a formal grievance procedure, the procedure shall require the facility to document all grievances and service appeals, and all responses thereto, in the client file, and provide a copy to the Director of the Department. All grievances unresolved by the facility director shall be referred to the Director of the Department for resolution. The Director's decision shall constitute a final administrative decision and shall be subject to review in accordance with the Administrative Review Law (735 ILCS 5/Art. III).

- h) Children and youth shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.

Section 411.305 Objections to Admission

At any time during a child's or youth's placement in a secure child care facility, an objection may be made to that placement by the child or youth, the

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parents (except where parental rights have been terminated), Guardian ad Litem, or attorney. When an objection is made, the child or youth shall be discharged at the earliest appropriate time not to exceed 15 days, including Saturdays, Sundays, and holidays, unless the objection is withdrawn in writing or unless, within that time, the Director or designee files with the court a petition for review of the admission in accordance with Section 2-27.1 of the Juvenile Court Act [705 ILCS 405/2-27.1].

Section 411.310 Mail

- a) The facility shall develop a written plan governing correspondence to and from children and youth that shall be made available to all staff and each child and youth. The plan shall be reviewed annually and updated as needed.

- b) The written plan shall grant children and youth the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security or to comply with victim access restrictions.

- c) The volume of mail received shall not be restricted.

- d) All outgoing mail shall be clearly marked with the child's or youth's name.

- e) Unlimited mail may be sent when the child or youth bears the mailing cost.

- f) Each child or youth may send at least 5 first class letters weekly in the United States at the facility's expense.

- g) All cashier's checks, money orders, cash, and checks or other funds received by a child or youth through the mail shall be deposited in the child's or youth's account in accordance with Section 411.510 of this Part.

- h) Incoming letters shall be delivered unopened within 24 hours after receipt and packages shall be delivered within 48 hours after receipt, excluding weekends and holidays. Outgoing letters shall be mailed within 24 hours. The written plan shall address when, and under what limited circumstances, staff may open incoming letters or packages addressed to the child or youth. Any decision to open mail or packages must be based upon a safety concern documented in the child's or youth's record and must be approved by the facility director. In addition, the child or youth affected by the restriction, and the child's or youth's parents, attorney, and Guardian ad Litem, shall be notified of the restriction.

- i) First-class letters and packages shall be forwarded after children or youth are transferred.

- j) The facility plan regarding access to publications shall include: the mechanisms whereby publications may be received; the publication screening and review procedures; the criteria for the prohibition of publications; and the requirement that the children or youth be provided with a written explanation of why the publication was denied. The facility shall prohibit any publications that the secure child

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name, date and time of visit, address, and relationship, shall be kept for each child and youth and be returned to the master record file at time of discharge.

- i) The denial of visitation must be based on documented security concerns related to conduct of children or visitors during visits or that involve issues related to safeguarding the children or youth from visitor abuse. The denial of visitation must be documented in the child's or youth's record and reported to the caseworker.

SUBPART E: PERSONNEL AND STAFFING REQUIREMENTS

Section 411.400 Background Checks for Personnel

The secure child care facility shall require all persons subject to background checks, as defined in 89 Ill. Adm. Code 385.20, to furnish written information regarding any criminal convictions, to submit to fingerprinting and to authorize the background checks required by 89 Ill. Adm. Code 385 (Background Checks).

Section 411.405 Administration

- a) The facility and its programs shall be managed by a facility director to whom all employees or units of management are responsible. When the facility director is unable to be on the premises, the facility director shall designate an administratively responsible person to be on the premises, as required in Section 411.435 of this Part.
- b) The facility shall maintain written qualifications and a description of the authority and responsibilities of the facility director.
- c) An updated table of organization of the facility shall be maintained that groups functions, services, and activities into administrative subunits.
- d) Where direct care services to facility children and youth are contracted, the contract shall require the direct child care services contractor to comply with all Department rules and regulations. The role and functions of employees of the contracted agencies as they relate to facility treatment, programming, operations, and security shall be covered by a written plan. The plan shall be updated as needed. The facility director shall submit the plan to the licensing representative for review and approval at least annually. Contractual employees must meet the requirements set out in this Part for the positions or duties they assume within the secure child care facility.
- e) The governing body shall review and approve written policies of the facility that shall be disseminated to all members of the governing body, employees, volunteers and the licensing representative. Policies shall include, at a minimum, the policies and procedures for the operation and security of the facility, the maintenance of a drug-free and smoke-free workplace, admissions, personnel policies, fiscal operations, the supervision, care, and treatment of children

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care facility director determines to be obscene according to the definition of obscenity established by the United States Supreme Court or to be a clear and present danger to the physical safety and security of persons and property within the facility.

- k) A child's or youth's correspondence to and from his or her attorney shall be confidential.
- l) The facility shall not deny a child or youth the right to correspond in writing in his or her preferred mode of communication.

Section 411.315 Telephones

Children and youth shall be allowed the opportunity to place telephone calls to siblings, parents or caregivers in accordance with visiting plans established by their caseworkers. Policies for receiving and monitoring of telephone calls shall be included in a written plan. The facility shall not prohibit a child or youth from conversing on the telephone in his or her preferred mode of communication. A child's or youth's telephone conversation with his or her attorney shall be confidential and shall not be monitored.

Section 411.320 Visits

- a) The facility shall permit visitation with children and youth in accordance with visiting plans established by each child's or youth's caseworker, subject to the limitations necessary to maintain facility order and security.
- b) Visitors shall be identified on visiting lists approved by the secure child care facility director. The child's or youth's caseworker shall provide, in writing, any names of persons restricted from visiting the child or youth.
- c) The facility's visiting area shall provide for informal communication, including the opportunity for physical contact.
- d) Searches of visitors and children, restrictions on visitors bringing in personal items, and circumstances under which the visit shall be supervised shall be included in the plan. If a visit is supervised, the facility shall not deny the child or youth the right to converse with visitors in his or her preferred mode of communication. The facility's plan for supervised visits must require the attendance of a professional staff member with the ability to communicate in the child's or youth's preferred mode of communication.
- e) All visiting regulations shall be made available to all persons on the child's or youth's visitors list.
- f) Restrictions applying to visits shall be posted in the visiting area and defined.
- g) The facility's plan shall include procedures governing visits by special persons such as Guardian ad Litem or attorney, caseworkers and individuals of other social agencies.
- h) Visitors shall register upon entry into the facility. Proof of identification and a record of each visit, including the visitor's

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and youth, and other policies as needed to direct the facility, such as family visitation, community contacts with children and youth, and the functions of the facility director.

f) The facility shall establish a written quality assurance plan to assess treatment and program services to children and youth, and an internal audit plan to determine compliance with facility policies and standards contained in this Part. These plans shall include the frequency, scope, content, and administrative reviews and responses required. Copies of all assessment and review documentation shall be available to the Department.

g) The secure child care facility shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

h) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.

Section 411.410 Personnel

a) A personnel manual shall be established and made available to staff that includes at a minimum:

- 1) An explanation of the requirements for pre-employment background checks of applicants;
- 2) A facility organizational chart;
- 3) Staff development, including orientation and in-service training and professional continuing education;
- 4) Insurance and professional liability;
- 5) Standards of conduct for employees;
- 6) Drug-free and smoke-free workplace policies; and
- 7) Work rules.

b) Each employee, volunteer, and intern shall be required to sign a statement acknowledging access to and knowledge of the personnel policies and his or her responsibility for complying with them.

c) Staffing of personnel shall be sufficient to ensure:

- 1) Continuous and effective supervision of children and youth, as required by this Part, is maintained at all times;
- 2) Children and youth have adequate access to staff, programs, and services; and
- 3) The safe and secure operation of the security systems and physical plant.

d) The facility shall comply with all federal, State, and local laws regarding equal employment opportunities.

e) The facility shall provide a mechanism to process requests for reasonable accommodation of the known physical or mental impairments of a qualified individual with a disability. The accommodation need not be granted if it would impose an undue hardship or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation.

f) All temporary or "acting" appointments are subject to the same standards as permanent employees.

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g) A background check shall be conducted, prior to employment, appointment, or service, on all applicants, volunteers, or other persons who will have contact with children and youth.

h) The facility shall establish a drug-free and smoke-free workplace plan that shall be reviewed at least annually. The plan shall:

- 1) Require pre-employment testing for the presence of illegal or controlled substances;
- 2) Prohibit smoking, the use of illegal substances or misuse of controlled medications;
- 3) Prohibit possession of any illegal substance;
- 4) Require testing for substance abuse based on reasonable suspicion;
- 5) Provide availability of treatment or counseling for substance abuse; and
- 6) Set out the penalties for violation of the plan.

i) Employee performance shall be reviewed annually based on a written job description and the results shall be discussed with the employee and placed in the employee's personnel file.

j) The facility shall maintain a current, accurate, and confidential personnel record on each employee, volunteer, and intern. Information obtained as part of a medical examination (see Sections 411.460 and 411.720) or inquiry regarding the medical history or condition of an applicant or employee shall be collected and maintained in a separate confidential medical record. Representatives of the Department shall have unrestricted access to employee, volunteer and intern personnel files for any purpose, including compliance auditing, investigations, and administrative supervision.

k) Facility staff shall be provided with a photo-identification card or badge (ID). The ID shall be worn at all times while on duty.

l) Employees shall be prohibited from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest or violation of written standards of conduct.

m) Employees, volunteers, interns, consultants, and contractual personnel who work with children and youth shall be informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.

Section 411.415 Volunteers and Interns

a) If the secure child care facility accepts volunteers and/or interns, the facility shall maintain a plan for the recruitment, screening, selection, training, and operating procedures for a volunteer and/or intern program. The lines of authority, responsibility, and accountability for the facility's volunteer and/or intern program shall be identified. The secure child care facility may use volunteers and staff from other programs of a child care institution or child welfare agency operating on the campus where the secure child

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- care facility is located for positions required in this Part. Volunteers and staff must meet the requirements set out in this Part for the positions or duties they assume within the secure child care facility.
- b) Volunteers and interns are subject to background investigations in accordance with 89 Ill. Adm. Code 385 (Background Checks).
 - c) A staff member shall be designated to coordinate and operate a volunteer and internship program for the benefit of children and youth placed in the facility.
 - d) An official registration and identification system shall be maintained for all volunteers and interns.
 - e) Volunteers and interns may perform professional services only when they are certified or licensed to do so.
 - f) Volunteers and interns shall be required to agree in writing to abide by all facility policies and applicable employee standards, particularly those relating to security, confidentiality, ethics, and standards of conduct.

Section 411.420 Requirements of Professional Staff

All professionals shall be qualified in their field and licensed in compliance with statutory requirements.

Section 411.425 Facility Director

- a) The facility director is the individual designated by the governing body to carry out established policies and procedures and the day-to-day management of the secure child care facility.
- b) The facility director shall have at minimum:
 - 1) a master's degree from an accredited school of social work and three years work experience with children, at least two of which were in institutional or other residential group care programs, and at least an additional two years of administrative experience; or
 - 2) a master's degree in a human services field from an accredited school and three years work experience with children, at least two of which were in institutional or other residential group care programs, and at least an additional two years of administrative experience.
- c) If the facility director is to be on leave for more than one month or has left prior to a replacement, the Department shall be notified of the name of the person appointed as acting facility director. The acting facility director shall have the qualifications of a facility director set out in this Section.

Section 411.430 Medical Director

The medical director of a secure child care facility shall be a psychiatrist

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who has a minimum of two years experience working with children and/or adolescents. The medical director shall direct all psychiatric and treatment services and shall be knowledgeable about the care of each child and youth currently residing in the secure child care facility. The medical director shall:

- a) Oversee all medical and psychiatric services;
- b) Conduct or approve psychiatric examinations of all children and youth in the secure child care facility;
- c) Assure that all physician's orders are documented in the client files;
- d) Attend or provide clinical oversight for all clinical staffings (multi-disciplinary teams) and treatment planning and review meetings; and
- e) Conduct a weekly scheduled meeting with each child and youth and be knowledgeable about all children and youth residing in the secure child care facility.

Section 411.435 Administrative Coverage

The secure child care facility shall not be operated at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the medical director, LPHA, QMHP, or registered nurse (RN).

Section 411.440 Secure Child Care Staff

Secure child care staff shall have the following minimum qualifications:

- a) Be at least 21 years of age or older;
- b) Hold a bachelor's degree in the field of social work or human services;
- c) Demonstrate the capacity to accept supervision within the secure child care program and relate constructively to authority;
- d) Demonstrate skill in working with and managing children and youth of the type served in the secure child care program; and
- e) Demonstrate ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the children and youth.

Section 411.445 Secure Child Care Supervisors

Secure child care supervisors shall meet the qualification requirements of a Mental Health Professional (MHP), RN, or QMHP and shall also have the following minimum qualifications:

- a) Be at least 25 years of age;
- b) Hold a bachelor's degree in the field of social work, human services or nursing;
- c) Have five years work experience with children, two of which were in secure institutional or other residential group care programs, and an additional one year of administrative experience;

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- d) Demonstrate skill in working with and managing children and youth of the type served in the secure child care program; and
- e) Demonstrate ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the children and youth.

Section 411.450 Rehabilitative Services Treatment Staff

All mental health and rehabilitative services delivered to children and youth in secure child care facilities shall be provided by the appropriate qualified staff, set out below, in accordance with the requirements set forth in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program):

- a) Physician;
- b) Licensed Practitioner of the Health Arts (LPHA);
- c) Qualified Mental Health Professional (QMHP);
- d) Mental Health Professional (MHP); or
- e) Registered nurse (RN).

Section 411.455 Medical and Nursing Staff

- a) Consulting physician.

1) Secure child care facilities shall have a consulting physician available to perform admission physicals within 24 hours following admission.

2) The consulting physician shall provide on-site medical care and follow-up to address physical health issues and concerns.

- b) On-site coverage by registered nurses shall be available on a 7 day per week, 24 hour basis.

Section 411.460 Health Requirements for Staff and Volunteers

- a) All staff members shall have an initial medical examination that provides evidence that they are free of communicable diseases, including active tuberculosis, or physical and mental conditions that affect their ability to perform assigned duties.

b) Staff shall be re-examined at least once every two years. In subsequent examinations, testing for active tuberculosis may be omitted unless recommended by the examining physician.

c) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation [77 Ill. Adm. Code 750].

- d) The above requirements are applicable to volunteers who have direct contact with children and youth.

Section 411.465 Training and Staff Development

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- a) The facility shall establish a staff development and training program for all categories of personnel including continuing education requirements. The facility's staff development and training program shall be planned and coordinated by the facility director and shall be reviewed and updated annually.
- b) The training plan shall include the method of documentation of training scheduled and completed including: the date, training topic, trainer, curriculum, hours of credit, and, if continuing education credits or certificates were issued, any grades, scores, or other measures of completion.
- c) All new employees shall receive at least three work days of orientation training before undertaking their assignments. This training shall include at a minimum: orientation to the purpose, goals, policies, and procedures of the facility; working conditions and regulations; employees' rights and responsibilities; and an overview of the juvenile court system. It shall include instructions related to the employee's job duties and responsibilities, including staff requirements to recognize and report suspected child abuse or neglect, how to make a child abuse or neglect report, legal rights of children and youth, and the legal protection afforded to persons who report violations of licensing standards.
- d) All administrative, managerial, and professional staff shall receive 40 hours of professional training in addition to the orientation training during their first year of employment and 40 hours of training each year thereafter. At a minimum, this training shall include: general management; juvenile law; labor relations; treatment modalities; security plan and practice; relationships with other service agencies and professionals; and, where applicable, continuing education units.
- e) All direct child care staff shall receive 120 hours of training during their first year of employment and an additional 40 hours of training each year thereafter. At a minimum, this training shall include: program and treatment modalities; crisis intervention procedures and techniques; security procedures, systems, and methods of supervision of children and youth; signs of suicide risks and suicide precautions; physical intervention and restraint; report writing; children's and youth's rules of conduct; disciplinary techniques; grievance procedures; rights and responsibilities of children and youth; fire safety and inspection; fire escape and emergency procedures; safety procedures; key and tool control; interpersonal relations; social and cultural life styles of the child and youth population; cultural competency; communication skills; first aid, Heimlich maneuver and CPR; counseling techniques, behavior management techniques and behavioral interventions; body inspections; and standards of conduct.
- f) All part-time staff, volunteers, interns, and contractual personnel shall receive formal orientation appropriate to their assignments and additional training corresponding with their assigned duties within the secure child care facility.

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SUBPART F: RECORDS AND FISCAL MANAGEMENT

Section 411.500 Reports and Correspondence

The following reports or documents shall be forwarded to the Department as specified:

- a) **Immediate Reports**
The facility director shall submit a written report to the licensing representative within 3 days after the date of either or both of the following:
 - 1) Any personnel transactions, including positions vacated and filled, and the total staff headcount.
 - 2) Any change in, or change in status of, any of the licensing application requirements in Section 411.45(b) of this Part.
- b) **Quarterly Reports**
The facility director shall submit a written quarterly report to the licensing representative that includes, but is not limited to, copies of the following information for the reporting period:
 - 1) A synopsis of any internal audits conducted during the quarter;
 - 2) A summary of staff training conducted during the quarter;
 - 3) Any significant programmatic concerns or issues;
 - 4) Any significant changes to the projected budget;
 - 5) Reports of all fire and other emergency and disaster drills conducted during the quarter;
 - 6) Reports of all inspections conducted by outside agencies, including, but not limited to, the State Fire Marshal, the Department of Public Health, and independent fiscal auditors;
 - 7) Weekly inspection forms, as required in Sections 411.180, 411.630, 411.700, and 411.705 of this Part, that report a deficiency in any area and a summary of the steps taken to resolve the problem; and
 - 8) Copies of all grievances received, as described in Section 411.300(g) of this Part, and the resolution of such grievances.

c) **Fiscal Reports**

The facility director shall submit copies of the following information for the reporting period to the licensing representative:

- 1) The annual approved budget and any approved revision;
- 2) All fiscal reports made to the governing body; and
- 3) Financial audits.

d) **Unusual Incident Reports**

The secure child care facility shall state in the child's or youth's record and shall report to the parents, attorney and/or Guardian ad Litem, and the Department any unusual incidents or serious occurrences involving children and youth. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 48 hours after the occurrence. These incidents and occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, alleged criminal violations, arrest, bedroom

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searches, sexual activity, alleged abuse or neglect, major fire or other emergency situations, requiring a child or youth to take 2 consecutive meals in isolation, or any serious incident that results in legal action by or against the facility that affects any child or children, personnel, or conduct of the facility.

e) **Legal Documents**

The child's or youth's caseworker shall promptly be sent copies of all documents and correspondence received related to the child's or youth's pending legal matters, including, but not limited to, juvenile court actions or other actions affecting the child's or youth's placement, treatment, or secure care status. The facility shall confer with the caseworker about all issues or concerns raised by these documents. Producing documents and reports as ordered by the courts or requested by attorneys, caseworkers or other persons shall be the responsibility of the facility unless otherwise advised.

Section 411.505 Fiscal Management

- a) The facility shall maintain fiscal planning, budgeting, and accounting procedures and a system of regular review and audit. At a minimum, procedures shall include: internal controls; petty cash; bonding for all appropriate staff; signature control on checks; accrual accounting; acquisition and inventory procedures; the issuing or use of vouchers; and collection, safeguarding, and disbursement of monies. The agency shall maintain a degree of financial solvency that insures adequate care of the children and youth for whom it has assumed responsibility.
- b) The institution shall maintain fiscal records that shall include:
 - 1) current and projected operating budget for the facility for which licensure is sought;
 - 2) financial records annually audited and certified by public accountants not affiliated with the institution.
- d) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing and audit staff.
- e) A certified copy of the institution's annual audit as performed by an independent auditor shall be submitted to the Department as required in Section 411.500 of this Part. The auditor shall also examine the facility's compliance with the fiscal planning, budgeting, and accounting procedures required in subsection (a) of this Section and summarize findings of this examination in the audit report.

Section 411.510 Funds and Property of Children

- a) Personal funds of children and youth held by the facility shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Children and youth shall receive receipts for all financial transactions on a monthly basis. The

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- facility shall provide a quarterly report on the status of each child's or youth's account to the child's or youth's caseworker, Guardian ad Litem and attorney.
- b) Personal financial transactions or transfer of a child's personal property between children, children and staff, and children and volunteers/interns shall be prohibited.

SUBPART G: PHYSICAL PLANT, GROUNDS AND SAFETY

Section 411.600 Physical Plant

- a) General Requirements
- 1) The facility shall comply with the Americans with Disabilities Act of 1990 (42 USC 12101) and with the regulations implementing Title I and Title II of that Act.
 - 2) Occupancy of the facility shall comply with the fire safety rules enforced by the Office of the State Fire Marshal.
 - 3) The building housing a secure child care facility shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.
 - 4) There shall be documentation by a qualified inspector that the interior finishing materials in children's living, activity and program areas, exits, and common areas are in accordance with building and fire codes.
 - 5) Physical plant design shall facilitate personal contact and interaction between staff and children and promote continuous, unobstructed view, communication, and control.
 - 6) The facility design and its security features, including perimeter fencing, shall be approved by the licensing representative prior to licensure. Perimeter fencing is not required. However, any fencing or barriers that pose a significant health hazard, such as razor and electric current fencing, are specifically prohibited.
 - 7) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the facility shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code [77 Ill. Adm. Code 900]. New test results must be provided prior to license renewal.
 - 8) The facility shall have a waste disposal system that is in accordance with local services approved by the appropriate regulatory agency.

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- 9) Renovation or remodeling that will change the use or the structure of a facility shall be approved by the licensing representative and the Office of the State Fire Marshal. Failure to do so may result in revocation of the license.
 - 10) The facility shall post written emergency and evacuation procedures. The facility shall post written translations of such procedures for limited English-speaking or visually impaired children and youth residing in the facility.
- b) Residential Housing
- 1) The facility shall provide at least 40 square feet of unencumbered floor space for each occupant of a sleeping room.
 - 2) Each sleeping room shall have at a minimum:
 - A) A rigidly constructed bed bolted to the floor, with a flatbed surface for the mattress. Mattresses shall have no inner-springs, shall have a staph-check type of cover, and shall meet the requirements of Section 31-5 of the National Fire Protection Association Life Safety Code, 1991 Edition.
 - B) Illumination of at least 20-50 footcandles. Light fixtures shall be secure and tamper-proof. There shall be a night light.
 - C) A secure door with a viewing window that provides for unobstructed continuous visual observation of the entire room and its occupants by direct line of sight or indirect line of sight (e.g., mirrors).
 - D) A storage space.
 - E) A desk securely attached to the wall. Lighting of at least 50-100 footcandles shall be provided at desk level.
 - F) A secure access-protected exterior window and natural light in the room.
 - G) Electrical outlets that are Ground Fault Interrupted (GFI).
 - H) Intercom or other approved communication capabilities.
 - 3) Sleeping rooms shall be located above basement level.
 - 4) In coeducational facilities, separate wings shall be provided for male and female children and youth.
 - 5) Rooms or housing units to be used by children and youth with disabilities shall be handicapped accessible and shall provide for integration with the general population.
- c) Dayrooms
- 1) Dayrooms with space for varied activities by the children and youth residing in the facility shall be provided. If a dayroom is situated immediately adjacent to the sleeping areas, the dayroom shall be separated from sleeping areas by a floor-to-ceiling wall.
 - 2) Dayrooms shall be:
 - A) Of a sufficient size to provide a minimum of 35 square feet of unencumbered space per child for the maximum number expected to use the dayroom at one time.
 - B) Contain fixtures and recreation equipment that are suitable

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for the security requirements and developmental levels and needs of the group.

- C) Provided with bulletin boards to facilitate access to daily posted information.
- D) Designed for continuous supervision that may be accomplished through use of surveillance and monitoring equipment.
- E) Secured with controlled access and egress. Windows shall be secured and protected from damage.
- F) Furnished with sufficient seating and writing surfaces for each child using the dayroom at one time. Furnishings shall be consistent with the security needs of the assigned children and are subject to approval of the Department. Televisions, electronic games, table games, and other recreational features shall be under staff control with secure storage available.
- G) Illumination of at least 20-50 footcandles. Light fixtures shall be secure and tamper-proof.
- d) Personal Hygiene
 - 1) Children shall be provided adequate access to toilets and lavatories.
 - A) Access to toilets shall be staff-controlled and locked when not occupied.
 - B) Lavatory and toilet facilities for children shall consist of 1 toilet and 1 lavatory for every six children. Facilities shall be separate for boys and girls and shall be located near sleeping quarters.
 - C) Toilet and lavatory types shall be selected consistent with individual security requirements and are subject to approval by the Department.
 - D) Staff-activated water shut-off valves shall be provided for all child-accessible toilets and lavatories.
 - E) Lavatories shall be equipped with hot and cold running water. Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
 - 2) Children shall have supervised and controlled access to showers with temperature-controlled hot and cold running water.
 - A) A minimum ratio of 1 shower shall be provided for every 8 children.
 - B) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
 - C) All showers shall have staff-controlled access and be capable of surveillance by staff of the same sex.
- e) Lighting
 - 1) Lighting of at least 50-100 footcandles shall be provided at desk level in sleeping rooms and in the personal grooming area.
 - 2) Other lighting requirements for the facility shall be determined by the tasks to be performed.
 - 3) An alternative means of lighting shall be available in the event

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of an emergency such as a power failure.

- f) Temperature Control and Ventilation
 - 1) Heating, cooling, and ventilation systems shall be staff-controlled to ensure healthful and comfortable living and working conditions for children and staff.
 - 2) An alternative means of ventilation shall be available in the event of an emergency such as a power failure.
 - 3) Ventilation systems shall be tamper-proof.
 - 4) The operation of security windows and screens shall be staff-controlled.
 - 5) Temperatures in indoor living and work areas shall be maintained between 68 and 75 degrees.
- g) Program and Service Areas
 - 1) All program and service areas shall be capable of being secured with staff-controlled access and egress and shall be capable of continuous visual surveillance, communication, and supervision.
 - 2) The total indoor activity area, which may include gymnasium, multipurpose rooms, library, arts and crafts rooms, and all other leisure areas outside the living unit, shall have an aggregate space equivalent to a minimum of 100 square feet per child.
 - 3) Outdoor exercise areas for children shall be provided.
 - A) The design of the outdoor recreational area shall provide for emergency access.
 - B) Selection of recreational equipment and control of potential breaching aids shall be incorporated into the design.
 - 4) Adequate space shall be provided for a children's visiting room or area.
 - A) Space shall be provided to permit the screening and searching of both children and visitors prior to entry and upon exit.
 - B) Space shall be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
 - C) The design of the visiting area shall provide for staff-controlled access and egress and continuous visual surveillance and supervision.
 - D) Private interview space shall be provided for Guardian ad Litem and/or attorney visits or other interviews with children that may require privacy as determined necessary by the child's caseworker or facility director.
 - 5) Classrooms shall be designed to conform with federal, State, and local educational requirements.
 - A) Classrooms shall have the capability for staff-controlled access and egress and provide for visual observation into the classroom from corridors.
 - B) Communication capability from a central control shall be provided.
 - 6) A dining room for group dining shall be provided.

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- A) There shall be at least 15 square feet of floor space per person expected to use the dining room or dining area at any one time.
- B) The dining room shall have staff-controlled access and egress and be designed to provide continuous surveillance and supervision.
- C) The dining room shall be capable of being secured from the food preparation area during meals.
- 7) The food preparation area shall conform to local codes and public health requirements.
 - A) The area shall have adequate space for food preparation based on population, type of food preparation, and methods of meal service.
 - B) There shall be adequate storage and loading areas and garbage disposal facilities.
 - C) All storage areas shall be designed with doors that lock upon closure.
 - D) All storage doors shall have a view panel for visual observation into the storage areas.
 - E) The food preparation area shall be capable of being secured from the dining room during meals.

h) Storage Areas

- 1) Adequate space shall be provided to receive inventory and to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations. Such areas shall be secured by a door that locks upon closing. The facility shall maintain a current master inventory of the contents of all storage areas.
- 2) Space shall be provided for the safe and secure receipt, processing, inventory, and storage of personal property of children.
- 3) Separate and adequate space shall be provided for electrical and mechanical equipment. The access doors or panels to these areas shall lock when closed.
- 4) Adequate secure storage space shall be provided for the personal property of staff during their hours of employment. Storage space shall be located outside of the children's living, activity, and program areas.
- i) Administrative and Staff Areas

Adequate space shall be provided for administrative, security, professional, and clerical staff. This shall include a conference room, storage room for records, public lobby, and toilet facilities. All administrative areas shall be capable of being secured by staff. Areas where children and youth routinely have access shall have viewing panels or windows for visual observation from hallways, corridors, or other office areas into the work space.
- j) Staff Control Room

Space shall be provided for a staff control room with capabilities for monitoring and coordinating the facility's security, safety, and

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communications systems on a 24 hour basis.

Section 411.605 Accessibility to Individuals with Disabilities

Reasonable accommodations shall be made to ensure that all areas of the facility are accessible to and usable by staff, children and youth, and visitors with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 USC 12101) and 71 Ill. Adm. Code 400 (Illinois Accessibility Code).

The facility will provide supportive services or equipment necessary for the safety of or to facilitate communication with children and youth who have visual, speech or hearing impairments.

Section 411.610 Communication

The facility shall provide immediate means of communication in a language or manner preferred by the child or youth and/or the child's or youth's family and caregivers.

Section 411.615 Key Control

The facility shall establish a plan to control keys and their use that provides for accounting of the identification, function, location and possessor of each key. The plan must address and/or incorporate the following:

- a) All keys shall be issued from the staff control room.
- b) A log shall be used to record the number of each key or ring issued and the name of the receiving staff. A master inventory showing the location of the lock, the number of keys to that lock, and the names of all employees assigned to the key shall be maintained.
- c) Facility keys and/or key rings that are not permitted to be retained by staff shall be returned to the staff control room by the end of the work shift and shall be stored so that their presence or absence can be easily determined. Broken keys and locks shall be immediately reported and replaced as soon as possible.
- d) The facility shall maintain at least one duplicate key for each lock.
- e) An emergency set of keys shall be securely maintained in the staff control room. Fire and emergency keys shall be color-coded and marked for identification by touch.
- f) Children shall be prohibited from possessing keys.
- g) Facility policy may control staff possession of personal keys while on duty.

Section 411.620 Tools and Equipment

- a) The facility shall develop a written plan governing the control, inventory, storage, and use of tools and culinary, medical, and security equipment. The plan shall limit hazardous tool access to

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program areas, housing units, and all means of egress in accordance with applicable fire and building codes.

- 2) The facility shall provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.
- 3) The facility shall establish a written evacuation plan prepared in the event of a fire or a major emergency that shall be approved by the Office of the State Fire Marshal. The plan shall be reviewed annually and updated as needed. Revised plans shall be reissued and provided to the Office of the State Fire Marshal and to the local fire safety authority. The plan shall include the following:
 - A) Location of buildings and room floor plans;
 - B) Use of exit signs and directional arrows for traffic flow;
 - C) Location of publicly posted evacuation plans; and
 - D) Monthly drills in all occupied locations of the facility. Where evacuation of children and youth with high risk behavior would pose a safety concern, staff drills may be conducted instead of evacuating such children and youth.

d) Emergency Plans

- 1) All facility personnel shall be trained in the implementation of written emergency plans. Work stoppage and riot or disturbance plans shall be communicated only to appropriate supervisory staff or other personnel directly involved in the implementation of those plans.
- 2) The facility shall provide the means for the immediate release of children and youth from locked areas in case of an emergency and provide for a backup system of security for children and youth.
- e) Runaways and Missing Children

The facility shall establish a written plan regarding runaways and missing children and youth. The plan shall ensure a timely coordinated response with the child's or youth's caseworker and local law enforcement. The plan shall be reviewed at least annually and updated as needed. The facility shall have the plan readily available for review upon request by the Department.

SUBPART H: HEALTH CARE, SAFETY AND SANITATION

Section 411.700 Food Service

- a) Food shall be cooked or prepared at the secure child care facility, or on the campus where the facility is located, in a kitchen that has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code [77 Ill. Adm. Code 750] or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.

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- a) staff only.
- b) The level of authority required for access to and use of tools and equipment shall be specified.

Section 411.625 Vehicles

The facility shall establish procedures governing the use and security of facility vehicles and the use of personal vehicles for official purposes. Provisions for insurance coverage shall be included.

Section 411.630 Safety and Emergency Procedures

- a) Fire Safety
 - 1) The facility shall establish a written fire prevention plan, including at a minimum:
 - A) Provision for an adequate fire protection service;
 - B) A system of fire extinguisher inspection and testing of equipment at least quarterly or at intervals approved by the Office of the State Fire Marshal;
 - C) An annual or more frequent inspection as required by the Office of the State Fire Marshal;
 - D) Availability of fire protection equipment at appropriate locations throughout the facility; and
 - E) Monthly inspection by the on-site fire plan coordinator.
 - 2) A comprehensive and thorough inspection of the facility shall be conducted annually or on a schedule approved by the Office of the State Fire Marshal to determine compliance with safety and fire prevention standards. A weekly fire and safety inspection of the facility shall be made by a trained facility staff member.
 - 3) Facilities shall be equipped with non-combustible receptacles at all entrances for extinguishing smoking materials and shall have separate containers for other combustible refuse at accessible locations throughout living quarters in the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids that meet Underwriters Laboratory specifications. All receptacles and containers shall be emptied and cleaned daily.
 - 4) The fire plan shall be reviewed annually by the facility director and updated as needed.
- b) Flammable, Toxic, and Caustic Materials

The use and storage of all flammable, toxic, and caustic materials shall be controlled. These materials must be under direct staff control and be properly stored and secured. Warning labels to prevent use by children must be strictly followed.
- c) Emergency Power and Communications
 - 1) The facility shall have access to an alternative power source to maintain essential services in an emergency. The facility shall have emergency lights in areas such as living, activity, and

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- b) Food service shall be under the management of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act [410 ILCS 625].
- c) Accurate records shall be maintained of all meals served, including menus served for the past 12-month period.
- d) The facility's system of dietary allowance shall be reviewed and documented at least annually by a registered dietician to ensure compliance with nationally recommended food allowance appropriate for the age group of children and youth housed in the facility.
- e) The food service staff shall develop advance planned menus that are reviewed and approved by a registered dietician and shall substantially follow the required meal schedule. In the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability shall be taken into consideration.
- 1) Menus shall be posted one week in advance.
 - 2) The food service plan shall provide for a single menu for both staff and children.
 - 3) Menu planning shall reflect consideration for cultural, religious and ethnic patterns.
- f) Special diets as prescribed by appropriate medical or dental personnel shall be provided.
- g) The use of or denial of food as a disciplinary measure shall be prohibited.
- h) Special diets for children and youth whose religious beliefs require the adherence to religious dietary laws shall be provided. Alternative entrees to pork or pork products or meat substitutes shall be made available.
- i) Food services shall comply with the applicable sanitation and health codes as promulgated by federal, State, and local authorities.
- j) Weekly inspections shall be conducted of all food service areas, including dining and food preparation areas, by the facility director or designee. The inspections shall include: equipment, sanitation records, and temperature-controlled storage facilities for all foods. The weekly inspections shall be documented.
- k) Daily checks of refrigerator, freezer, and dishwasher temperatures shall be conducted by administrative, medical, or dietary personnel for compliance with applicable public health standards. The daily checks shall be documented. Food shall be maintained at the following temperatures:
- 1) Dietary shelf goods shall be maintained at 45 to 80 degrees Fahrenheit;
 - 2) Refrigerated foods shall be maintained at 35 to 40 degrees Fahrenheit; and
 - 3) Frozen foods shall be maintained at 0 degrees Fahrenheit or below.
- l) Staff shall supervise children and youth during meals and ensure proper portion control and sanitation.
- 1) Children and youth shall be provided group dining except due to

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- safety or security considerations. The facility shall file an unusual incident report whenever a child or youth is required to eat 2 consecutive meals in isolation.
- 2) The food preparation area shall be secured from the dining area during meals.
 - 3) Children and youth shall not be permitted to take food back to their rooms or to give away, trade, or exchange portions.
 - 4) Second helpings shall be available.
 - 5) The facility director shall be advised of children and youth who are not eating.
 - 6) Careful accounting for eating utensils shall be made. Hazardous kitchen tools, including knives, shall be accounted for and secured before children and youth are admitted to the dining room prior to each meal and at the end of the day.
- m) At least three nutritious meals shall be provided at regular meal times during each 24-hour period, with no more than 14 hours elapsing between the evening meal and breakfast. Nutritious afternoon and evening snacks shall be provided to each child and youth daily. Beverages shall be provided with all meals. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.
- n) Health protection shall be provided for all children and staff in the facility and children and other persons working in food service.
- 1) As required by State and local laws or regulations applicable to food service employees, all personnel and children involved in the preparation of food shall receive a pre-assignment medical examination and periodic re-examinations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. All examinations shall be conducted in accordance with public health requirements and shall be documented in appropriate employee medical and child master record files.
 - 2) When the facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with State and local regulations regarding food service standards.
 - 3) All food handlers shall be trained and instructed to wash their hands upon reporting to duty, after using toilet facilities, and before touching food.
 - 4) Persons working in food service shall be monitored each day for health and cleanliness by the food service manager or his or her designee.

Section 411.705 Safety and Sanitation

- a) Weekly documented safety and sanitation inspections of all facility areas shall be conducted to ensure compliance with applicable federal, State, and local sanitation and health codes and to control vermin and

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pests.

- b) There shall be a comprehensive written housekeeping plan and cleaning schedule for the facility. Cleaning supplies, caustics, and toxins shall be inventoried, controlled and dispensed by staff and items marked with warning labels shall be kept out of the hands of children and youth.

Section 411.710 Bedding, Linen, and Clothing

- a) Each child or youth shall be issued suitable clean bedding and linens, including two sheets, a pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperatures. Clean linen shall be provided at least once a week and as needed for enuretic children and youth. A child's or youth's wet or soiled linens shall be changed immediately. Universal Precautions shall be followed when handling soiled items.
- b) Children and youth shall be provided the opportunity to have adequate clothing appropriate to the season. A child's or youth's wet or soiled clothing shall be changed immediately. Universal Precautions shall be followed when handling soiled items.
- c) The facility shall provide for the thorough cleaning and, when necessary, disinfecting of children's and youth's personal clothing before storage or before allowing the children or youth to keep and wear personal clothing.

Section 411.715 Personal Hygiene

- a) The facility shall have a shower schedule that allows for supervised daily showers and children's access to showers after strenuous exercise. Children and youth shall shower individually.
- b) Articles that are necessary for maintaining proper personal hygiene shall be provided to each child and youth, including combs, brushes, toothbrushes, towels, and washcloths, appropriately identified for his or her own use. Feminine hygiene supplies shall be available for adolescent girls.
- c) Hair care services by licensed barbers or beauticians shall be available to children and youth every 4 weeks.

Section 411.720 Health Care Services

- a) Each child and youth shall be screened for communicable diseases within 24 hours after arrival at the facility.
- b) Any employee or child suspected of having a communicable disease shall have a medical examination.
- c) Children's medical complaints shall be monitored and responded to daily by a registered nurse who documents the complaint and the action taken.
- d) Treatment by health care personnel other than a physician, dentist,

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psychologist, optometrist, podiatrist, or similar provider shall be performed pursuant to written standing or direct orders by a physician or dentist. Nurse practitioners and physician assistants may practice within the limits of applicable laws and regulations.

- e) Consent for medical care shall be obtained from the guardian and documented in the client file. The informed consent of child or youth, parent, guardian, or legal custodian shall be obtained when required by law. When health care is rendered against the patient's will, it shall be in accordance with federal and State laws and Department rules.
- f) The child's or youth's parents, caseworker, Department Office of the Guardian, licensing representative and regional administrator shall be notified in case of serious illness or injury, surgery, or death.
- g) A registered nurse shall be available on site at all times and shall coordinate the health delivery services in the facility under the joint supervision of a licensed physician and the facility director.
- h) Questions regarding the appropriateness of medical treatment shall be referred through the child's caseworker to the Department Office of the Guardian.
- i) The facility shall develop a written health plan that shall address the management of serious and communicable diseases. The plan shall be updated as new information becomes available. The plan shall include: an ongoing educational program for staff and children, including Universal Precautions, control, treatment, and prevention strategies that may include screening and testing, special supervision, or special housing arrangements, as appropriate; discharge planning; and protection of individual confidentiality pursuant to federal, State, and local laws and regulations. The plan shall provide for the emergency detoxification of children and youth from alcohol, opiates, barbiturates, and similar drugs to be performed under medical supervision. The plan shall provide for the clinical management of chemically dependent children and youth.
- j) At the time a child or youth is admitted, program and secure child care staff shall be informed of special medical and mental health concerns on a need-to-know basis.
- k) Emergency medical, dental, and mental health care shall be available to children and youth on a 24 hour basis. Availability of these services shall be outlined in a written plan that includes arrangements for the following:
 - 1) On-site emergency first aid and crisis intervention;
 - 2) Emergency evacuation of the children and youth from the facility;
 - 3) Use of an emergency medical vehicle;
 - 4) Use of one or more designated hospital emergency rooms or other appropriate health facilities;
 - 5) Emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community;
 - 6) Security procedures when transportation is required for children

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- and youth; and
- 7) Process to notify the caseworker, parents, and Guardian ad Litem.

Section 411.725 Pharmaceutical Items

- a) The facility shall have a written plan that provides for the proper management and secure storage of pharmaceutical items and addresses the following:

- 1) Prescription practices, including the following requirements:
 - A) Psychotropic medications shall be prescribed only when clinically indicated as one facet of a program of therapy, and shall comply with requirements set out in 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department is Legally Responsible);
 - B) "Stop order" time periods shall be required for all medications; and
 - C) The prescribing provider shall re-evaluate a prescription prior to its renewal and at a minimum every 30 days.
- 2) Procedures for medication receipt, secure storage, issuance, and/or processing documentation.
- 3) Secure storage and periodic inventory of all controlled substances, syringes, and needles.
- 4) Provision of medicine to children and youth shall be by persons properly trained and under the supervision of the physician and facility director or designee.
- 5) Accountability for providing medications to children and youth in a timely manner and according to medical orders.
- 6) Review of individual and aggregate medication errors.
- b) The person providing medications to children and youth shall have training from a physician or designee and shall be accountable for providing medications according to the physician's requirements and the facility plan. Medications provided shall be recorded in a manner and on a form approved by the facility director.

Section 411.730 Medical Responses

- a) Medical personnel and other facility staff shall be trained to respond to emergency health-related situations within a four-minute response time to anywhere within the facility. A training program shall be established and certified by a physician in cooperation with the facility director. The program shall include:
- 1) Recognition of signs and symptoms and knowledge of action required in potential emergency situations.
 - 2) Administration of first aid and cardiopulmonary resuscitation (CPR).
 - 3) Methods of obtaining assistance and communication.
 - 4) Signs and symptoms of mental illness, disabilities, and chemical dependency.

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- 5) Procedures for patient transfers to appropriate medical facilities or health care providers.
- 6) How to request an ambulance.
- 7) Protection from blood-borne pathogens.
- b) First aid kits shall be available. The registered nurse shall approve the contents, number, location, and procedure for periodic inspection of the kits.

Section 411.735 Health Education

Programs and training shall be provided to children and youth for the development of sound habits and practices regarding personal hygiene; sex education; avoiding sexually transmitted diseases, HIV, and infectious diseases; drug education and substance abuse; and education related to consequences of the use of tobacco.

Section 411.740 Health Records

- a) The child's health record shall, where appropriate, contain the following:
- 1) The completed receiving screening form;
 - 2) Health appraisal data forms;
 - 3) All findings, diagnoses, treatments, and dispositions;
 - 4) Prescribed medications and their administration;
 - 5) Laboratory, x-ray, and diagnostic studies;
 - 6) Signature and title of documenter;
 - 7) Consent and refusal forms;
 - 8) Release of information forms;
 - 9) Place, date, and time of health encounters;
 - 10) Health service reports, such as, dental, mental health, and consultation reports;
 - 11) Treatment plan, including nursing care plan;
 - 12) Progress reports; and
 - 13) Discharge summary of hospitalization and other termination summaries.
- b) The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping shall be approved by the facility director.
- c) The facility shall have a written plan that upholds the principle of confidentiality of the health record and supports the following requirements:
- 1) The active health record shall be maintained separately from the child master record file.
 - 2) Access to the health record shall be controlled by the facility director. Department personnel shall have unrestricted access to a child's medical record.
 - 3) The Qualified Mental Health Professional (QMHP) shall share with the facility director information regarding a child's or youth's

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medical management, security, and ability to participate in programs.

SUBPART I: SEVERABILITY OF THIS PART

Section 411.800 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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Section 411.APPENDIX A Resource Reference List**Laws of the State of Illinois**

- Abused and Neglected Child Reporting Act [325 ILCS 5]
- Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]
- Cannabis Control Act [720 ILCS 550]
- Child Care Act of 1969 [225 ILCS 10]
- Children and Family Services Act [20 ILCS 505]
- Food Handling Regulation Enforcement Act [410 ILCS 625]
- Illinois Environmental Barriers Act [410 ILCS 25]
- Illinois School Code [105 ILCS 5]
- Illinois Controlled Substances Act [720 ILCS 570]
- Unified Code of Corrections [730 ILCS 5/3-15-2]
- Illinois Vehicle Code [625 ILCS 5]
- Juvenile Court Act [705 ILCS 405]
- Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]

Laws of the United States Government (federal)

- Americans with Disabilities Act (42 USC 12101)

Administrative Rules of the Capital Development Board

- 71 Ill. Adm. Code 400 (Illinois Accessibility Code)

Administrative Rules of the Illinois Department of Children and Family Services

- 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect)
- 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department is Legally Responsible)
- 89 Ill. Adm. Code 383 (Licensing Enforcement)
- 89 Ill. Adm. Code 385 (Background Checks)
- 89 Ill. Adm. Code 404 (Licensing Standards for Child Care Institutions)
- 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department)

Administrative Rules of the Illinois Department of Human Services

- 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program)

Administrative Rules of the Illinois Department of Public Aid

- 89 Ill. Adm. Code 140 (Illinois Medical Assistance Program)

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Administrative Rules of the Illinois Department of Public Health

- 77 Ill. Adm. Code 520 (Treatment of Choking Victims)
- 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code)
- 77 Ill. Adm. Code 695 (Immunization Code)
- 77 Ill. Adm. Code 750 (Food Service Sanitation Code)
- 77 Ill. Adm. Code 820 (Illinois Swimming Pool and Bathing Beach Code)
- 77 Ill. Adm. Code 845 (Lead Poisoning Prevention Act)
- 77 Ill. Adm. Code 900 (Drinking Water Systems Code)

Administrative Rules of the Office of the State Fire Marshal

- 41 Ill. Adm. Code 100 (Fire Prevention and Safety)
- 41 Ill. Adm. Code 250 (Fire Equipment Distributor and Employee Standards)
- 41 Ill. Adm. Code 300 (Furniture Fire Safety Regulations)

ILLINOIS RELAY CENTER - VOICE - 1-800-526-0857 TTY - 1-800-526-0844 Charges to access the center and standard phone charges will be added to the facility's telephone bill.

Child Abuse Hotline - 1-800-252-2873

Poison Control Center - 1-800-942-5969

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Section 411.APPENDIX B Acceptance of Voluntary Surrender of License - No Investigations Pending

OFFER OF VOLUNTARY SURRENDER BY A SECURE CHILD CARE FACILITY
 (No investigations pending)

I, (Name of head of governing body), affirm that the governing body of the (name of the secure child care facility) met on (date of meeting) and voluntarily agreed to surrender license number , expiration date of (original license attached to this agreement).

I further state that the facility, to the best of the knowledge of myself and each member of the governing body, is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect or by the DCFS Office of Inspector General or by any other state agency of any state or its inspector general or by any local, State or federal law enforcement agency for any reason.

I acknowledge that if, at any time after the acceptance of the offered surrender of license, the Department learns that the secure child care facility knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the license, including, but not limited to, the revocation of the license or the refusal to renew the license.

Printed name and title of head of governing body

Signature / Date

County of)
) ss
 State of Illinois)

Subscribed and sworn before me on (date).

Notary Public

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Section 411. APPENDIX C Acceptance of Voluntary Surrender of License - Investigations Pending

AGREEMENT FOR THE VOLUNTARY SURRENDER OF A LICENSE
(Investigations pending)

I, (name of head of the governing body), affirm that the governing body of the (name of the secure child care facility) met on (date of meeting) and agreed to voluntarily surrender license number , with an expiration date of (original license attached to this agreement). I further state that the secure child care facility has reason to believe that it is presently under investigation by the Department of Children and Family Services for a licensing complaint or a report of suspected abuse or neglect, by the DCFS Office of the Inspector General or by any local, State or federal law enforcement agency for any reason, or that litigation is pending between the Department and the secure child care facility.

In the following space, identify the investigating agency and summarize the basis of the investigation, if known. Attach additional pages, if necessary.

In the following space identify all pending litigation between the Department and the secure child care facility. Provide the name of the case, docket number, and:

- a) the county in which it is filed, if a State action;
- b) appellate district, if on appeal;
- c) the district, if it is a federal action; or
- d) the circuit, if it is on appeal.

I further state that the governing body of the secure child care facility or its successor will not apply for a license as a secure child care facility until (insert date at least one year from today's date).

Printed name and title of head of governing body

Signature / Date

County of)
) ss
State of Illinois)

Subscribed and sworn before me on (date).

Notary Public

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING REPRESENTATIVE
(No investigations pending)

I, (name of licensing administrator), accept the voluntary surrender of this license and affirm that, to the best of my knowledge, this secure child care facility is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect, and that neither the DCFS Office of the Inspector General nor any other state agency of any state or its office of inspector general nor any local, any State or any federal law enforcement agency has given the Department notice that this secure child care facility is under investigation. Further, no litigation exists between the Department and this facility.

Printed name and title of licensing administrator

Signature of DCFS licensing administrator/Date

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ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR

I, (name of the licensing administrator), accept the voluntary surrender of the license and agree that the Department will not seek to revoke the license and will not refuse to renew the license if the statements made above are correct and complete. As part of this agreement, the Department will not accept another application for license as a secure child care facility before (insert date at least one year after the date of acceptance of the voluntary surrender).

(Printed name and title of licensing administrator)

Signature of DCFS licensing administrator/Date

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Section 441.APPENDIX D Acceptable Human Services Degrees

Only the following degrees may be accepted as human services degrees.

Early Childhood Development
Guidance and Counseling
Home Economics - Child and Family Services
Human Service Administration
Human Services
Master of Divinity
Pastoral Care
Pastoral Counseling
Psychiatric Nursing
Psychiatry
Psychology
Public Administration
Social Science
Social Services
Social Worker
Sociology

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Section 411.APPENDIX E Professionals Who Must Be Registered or LicensedType of ProfessionStatute That Requires Registration or Licensure

Athletic Trainer	Illinois Athletic Trainers Practice Act [225 ILCS 5]
Clinical Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Dental Assistant	Illinois Dental Practice Act [225 ILCS 25]
Dentist	Illinois Dental Practice Act [225 ILCS 25]
Dietician	Dietetic and Nutrition Services Practice Act [225 ILCS 30]
Marriage and Family Therapist	Marriage and Family Therapy Licensing Act [225 ILCS 55]
Nurse	Nursing and Advanced Practice Nursing Act [225 ILCS 65]
Occupational Therapist	Illinois Occupational Therapy Practice Act [225 ILCS 75]
Optometrist	Illinois Optometric Practice Act of 1987 [225 ILCS 80]
Pharmacist	Pharmacy Practice Act of 1987 [225 ILCS 85]
Physical Therapist	Illinois Physical Therapy Act [225 ILCS 90]
Physician	Medical Practice Act of 1987 [225 ILCS 60]
Physician Assistant	Physician Assistant Practice Act of 1987 [225 ILCS 95]
Podiatrist	Podiatric Medical Practice Act of 1987 [225 ILCS 100]
Professional Counselor	Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]
Psychologist	Clinical Psychologist Licensing Act [225 ILCS 15]
Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Speech-Language Pathologist	Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
Teacher	School Code [105 ILCS 5]

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Purchasing2) Code Citation: 44 Ill. Adm. Code 1125

3) Section Numbers:
1125.10

Proposed Action:
Repealed

4) Statutory Authority: Illinois Procurement Code [30 ILCS 500].5) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals a Part made obsolete by the adoption of new rules at 44 Ill. Adm. Code 1120 under the new Illinois Procurement Code [30 ILCS 500].

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Whitney Wagner Rosen
201 State House
Springfield IL 62706
217/782-3328

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The agency did not anticipate the need for this rulemaking at that time.

The full text of the Proposed Repealer begins on the next page:

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XIV: COMPTROLLER

PART 1125

PURCHASING (REPEALED)

Section
1125.10 Purchasing Procedures

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, par. 132.5).

SOURCE: Filed December 12, 1977; codified at 8 Ill. Reg. 18468; repealed at 23 Ill. Reg. _____, effective _____.

Section 1125.10 Purchasing Procedures

- a) The Comptroller will comply with all provisions of the Illinois Purchasing Act and the following rules promulgated by authority of that Act, and all other applicable laws of the State of Illinois.
- b) The Comptroller will follow purchasing rules adopted and promulgated by the Department of Central Management Services.
- c) The Comptroller will apply to the State Purchasing Agent, Department of Central Management Services, for quarterly blanket authorizations covering single purchases of office supplies, commodities, and equipment.
- d) The Comptroller will comply with all provisions of the Statutes pertaining to the purchase of printing paper, stationery, envelopes, and printing contracts.
- e) All documents and forms used will be those prescribed by, or compatible with, the Comptroller's Uniform Statewide Accounting System in compliance with the State Comptroller Act (Ill. Rev. Stat. 1983, ch. 15, pars. 201 et seq.), effective January 8, 1973, and as amended.
- f) The Comptroller is committed to the principle of competitive bidding and will solicit such bids even when not required by the Statutes whenever it is practical and feasible to do so. When the Comptroller utilizes the Department of Central Management Services using a State Requisition, Sub-Order, Printing Requisition, and/or Office Supply Requisition, it is assumed that competitive bids were employed by the Department of Central Management Services in accordance with applicable Statutes.
- g) The Comptroller reserves the right to reject any and all bids, offers, or proposals received by him with respect to any invitation to bid or request for proposal issued by the Office of Comptroller or its authorized agents.
- h) The Comptroller will enter into service contracts and agreements in

OFFICE OF THE COMPTROLLER

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- i) accordance with the Illinois Purchasing Act.
The Comptroller will enter into lease contracts for office real estate directly with the lessor in accordance with applicable governing Statutes.
- j) The Comptroller will utilize the facilities and services of the Department of Central Management Services for office supplies, automotive services including repairs and supplies, telecommunication services, and such other areas of service as are established and meet the requirements of the Office of Comptroller.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Credit Union Act

2) Code Citation: 38 Ill. Adm. Code 190

3) Section Numbers: 190.90
Proposed Action:
Amendment

4) Statutory Authority: 205 ILCS 305

5) A complete description of the Subjects and Issues involved: This amendment gives credit unions greater flexibility in their investment choices and eliminates the need for Department approval of certain property and long term lease investments.

6) Will this proposed amendment replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending for this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Patrick Smith
Acting Supervisor
Credit Union Division
Department of Financial Institutions
500 Iles Park Place, Suite 500
Springfield IL 62718

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, municipalities and not for profit corporations affected: Credit unions

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because:

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The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 190

ILLINOIS CREDIT UNION ACT

Section

- 190.5 Credit Union Service Organizations
 190.10 Field of Membership Procedures
 190.20 Hearings
 190.30 Cease and Desist Procedures
 190.40 Removal or Suspension Procedures
 190.50 Fees
 190.60 General Accounting Procedures
 190.70 Loan Loss Accounting Procedures
 190.80 Use of Electronic Data Processing
 190.90 Fixed Asset Investments Property-and-Long-Term-leases
 190.100 Classes of Share and Special Purpose Share Accounts
 190.110 Share Drafts
 190.120 Bond and Insurance Requirements
 190.130 Verification of Share and Loan Accounts
 190.140 Real Estate Lending
 190.150 Reverse Mortgage
 190.160 Lending Limits - Other Than First Mortgage Loans
 190.165 Business Loans
 190.170 Group Purchasing
 190.180 Investments
 190.190 Liquidation
 190.200 Conversion of Charter

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086,

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effective February 23, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

Section 190.90 Fixed Asset Investments Property-and-Long-Term-leases

a) Definitions

"Fixed assets" means premises and furniture, fixtures and equipment, as those terms are defined in this Section:

"Premises" includes any office, branch office, suboffice, service center, parking lot, other facility, or real estate where the credit union transacts or will transact business.

"Furniture, fixtures and equipment" includes all office furnishings, office machines, computer hardware and software, automated terminals, and heating and cooling equipment.

"Investment in fixed assets" means:

any investment in real property (improved or unimproved) that is being used or is intended to be used as premises, excluding premises leased for five years or less;

any leasehold improvement on premises;

the present value of the aggregate of all capital lease payments pursuant to lease agreements for fixed assets, excluding lease payments for premises leased for five years or less;

any investment in the bonds, stock, debentures, or other obligations of a partnership or corporation or limited liability entity, including a credit union service organization, holding any fixed assets used by the credit union and any loans to such partnership or corporation or limited liability entity; and

any investment in furniture, fixtures and equipment.

"Retained earnings" means regular reserve for contingencies, supplemental reserves, and undivided earnings.

b) Credit unions with assets of less than \$1,000,000 that which choose to invest in premises sell-or-purchase-property-construct-a-building-or-enter-into-a-property-lease-in-excess-of-five-years-under-authority-of-Section-13f2-of-the-Illinois-Credit-Union-Act--(Ill--Rev--Stat-1987-chr--37-par--44142) must apply to the Department for approval. Credit unions with assets of \$1,000,000 or more may invest in fixed assets, without the prior approval of the Department, so long as the

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aggregate amount of such investments does not exceed the lesser of 70% of the credit union's retained earnings or 6% of total assets.

- c) Whenever a fixed asset investment in premises does not require Department approval, the credit union shall give the Department notice of the credit union's intent to make the investment, at least 14 days prior to becoming obligated on the investment in premises. The notice to the Department shall include the following information:

- 1) the credit union's calculation of its total fixed asset investment authority;
- 2) the estimated total cost of the planned fixed asset investment in premises;
- 3) a general description of the planned fixed asset investment in premises.

Notice under this subsection (c) is effective as of the date the notice is transmitted from the credit union.

- d) Credit unions with assets of less than \$1,000,000 seeking to invest in premises or credit unions with assets of \$1,000,000 or more seeking to invest in fixed assets in an amount that exceeds the lesser of 70% of retained earnings or 6% of total assets must submit to the Department an application for approval. The application for approval ~~the letter of application to the Department~~ must contain the following minimum supporting documentation information:

- 1) why the purchase and/or lease is necessary to serve the credit union's members;
- 2) details of the proposed transaction including:
 - A) location and full description of the fixed asset property and/or premises;
 - B) if a sale or purchase of premises property is involved, current valuation by an independent appraiser;
 - C) purchase price or lease details;
 - D) current owners and their relationship to the credit union or to any members of the credit union;
 - E) how the project will be financed;
 - F) if a purchase, lease or improvement of premises is involved, a summary of planned due diligence inspections to verify building, building line and use or occupancy restrictions; conditions; easements on record; zoning laws and ordinances; easements for public utilities; and other matters pertinent to the transaction; and
 - G) evidence that the increase in operating expenses caused by the project can be supported after accounting for the current level of expenses and dividend commitments;
- 3) the credit union's latest balance sheet, income statement and loan delinquency report;
- 4) a certified copy of Board minutes that which contain approval for the project.

- e) ~~b) The Department shall respond to applications for approval of fixed asset investments as follows:~~

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- 1) The Department shall inform the credit union applicant, in writing, of the date the letter of application was received.

- 2) Approval of applications shall be given in writing once it is determined by the Department that the proposal will not adversely affect the credit union's financial position. The determination will be based on the past history, current financial condition, projections of the credit union, and whether the increase of operating expenses caused by the project can be supported after accounting for the current level of expense, and dividend and reserve commitments. ~~The Department shall deny, in writing requests in which the total amount invested in land, building, and related improvements and leasehold commitments exceed the following schedule unless past performance and future financial projections provided by the credit union justify the request.~~
- 3) An approval will state a dollar amount or percentage of retained earnings that may be invested in fixed assets by the credit union.

- 4) The Department shall provide to credit union applicants written notification of action taken within 45 calendar days after receipt of the complete package of supporting documentation from the credit union. If the credit union does not receive written notification of the action taken within 45 calendar days after the date the complete package of supporting documentation was received by the Department, the credit union may proceed with its proposed investment in fixed assets.

CREDIT UNION ASSETS

MAXIMUM LIMITS

\$0---\$10.0-million	5%-of-total-assets
\$10.0---\$50.0-million	\$500,000-or-4%-of-total-assets whichever-is-greater
over-\$50.0-million	\$2.0-million-or-3%-of-total assets-whichever-is-the-greater

- f) A credit union that has received approval for a specific fixed asset transaction from the Department prior to the date of promulgation of amendments to this Section shall continue to be eligible to consummate the transaction after such date of promulgation, without further Department approval.

- g) ~~c) In recording all transactions for fixed assets property or leases, generally accepted accounting principles will be followed.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Audit Requirements of DHS2) Code Citation: 89 Ill. Adm. Code 5073) Section Numbers:
507.10 Proposed Action:
Emergency Amendment4) Statutory Authority: Implementing and authorized by Department of Human Services Act [20 ILCS 1305].5) A Complete Description of the Subjects and Issues involved: This rulemaking will amend the Section regarding Audit Requirements for agencies contracting with DHS. This amendment excludes the funding received from other State Departments from the total amount of funding used to qualify the contractor for the various types of audit requirements. This change will make DHS rules consistent with other State agencies. This amendment will be less onerous on the contractors by reducing the reporting requirements.6) Will this proposed rule replace an emergency rule currently in effect?
Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those contracting with DHS to provide services.
- B) Reporting, bookkeeping or other procedures required for compliance: Those required by the rule.
- C) Types of professional skills necessary form compliance: Bookkeeping and fiscal skills are needed.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was published.

The text of these proposed amendments is identical to the text the emergency amendments on page 7705 of this issue of the Illinois Register.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Universities Retirement2) Code Citation: 80 Ill. Adm. Code 16003) Section Number: Proposed Action:

1600.80 Amended

1600.120 New

1600.130 New

4) Statutory Authority: Implementing and authorized by 40 ILCS 5/15-177, 15-112, and 15-168.15) A Complete Description of the Subjects and Issues Involved:

Section 1600.80 Amending administrative hearing procedures

Section 1600.120 Rule implementing 20% Limitation on Final Rate of

Earnings Increases

Section 1600.130 Rule implementing Procurement

6) Will these proposed rules replace an emergency rule currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: None11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Interested person may submit written comments and views to:

Dan Slack, General Counsel
State Universities Retirement System
P.O. Box 2710
Champaign IL 61825-2710
(217) 378-8800

All comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations effected: SURS believes that this rulemaking will not impose any direct impact on small businesses, small municipalities, or

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not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
NoneC) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: January 1999The full text of the Proposed Amendments begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYERS

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement

APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1600.80 Rules of Practice-Nature and Requirements of Formal Hearings

a) Proceedings

1) Administrative Determination.

The administrative staff of the System shall be responsible for the daily claims-processing function of the System, including processing of all claims for benefits or service credit or any other claims against or relating to the System.

2) Review by Deputy Associate-Executive Director.

Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the appropriate Deputy Associate

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Executive Director of the System. A request for review by the Deputy Associate-Executive Director must be submitted within 30 days after the decision from which review is sought. The Deputy Associate-Executive Director's review will be based upon all materials contained in the file, as well as any additional materials the staff or the claimant wish to submit pertaining to the claim.

3)

A) **Petition.** Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the Deputy Associate-Executive Director may request, in writing, a petition--for a Hearing before the Claims Committee. A request petition for a Hearing must be submitted to the General Counsel of the System, or his or her designee, Executive-Director within 30 days after the decision from which review is sought.

B) **Statement of Claim.** Upon filing a request petition for a Hearing, the claimant shall be informed that he or she is required to file a Statement of Claim, which shall include: the claimant's petitioner's name, social security number, and address; the name and address of the claimant's petitioner's authorized representative, if any; a statement of the facts forming the basis for the appeal, which may include any new or additional evidence; any documents or other materials the claimant petitioner wishes to be considered in conjunction with the appeal; and an explanation of the relief sought.

C) **Notification.** Upon scheduling of a Hearing before the Claims Committee, a claimant petitioner shall be provided with written notice of: the date, time and place of the Hearing; the subject matter of the Hearing; and relevant procedural and substantive statutory and regulatory provisions [5 ILCS 100/10-25]. Notice of the Hearing shall also inform the claimant petitioner that he or she will be afforded the opportunity to provide a statement of his or her position, present oral or documentary evidence, and conduct such examination and cross-examination of witnesses as is necessary for full and true disclosure of the facts. The claimant is not required to appear at the hearing. The claimant may appear at the hearing by telephone conference call. Notice shall be given to the claimant petitioner that he or she is required to provide written confirmation, at least three days prior to the scheduled date of the Hearing, of his or her intent to appear at the Hearing, whether in person or by telephone conference call. The petitioner is not required to appear at the Hearing. In the absence of the claimant petitioner, the Claims Committee will consider the claimant's petitioner's Statement of Claim and such other

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matters as may be properly brought before it at the Hearing. Pre-hearing Conference. Upon request of the General Counsel, petitioner or upon the decision of the Hearing Officer, Associate-Executive-Director, a pre-hearing conference shall be held scheduled for the purpose of simplification or definition of issues or procedures at the Hearing.

E) Representation. The claimant and petitioner, the System or any interested-party may be represented by counsel or a designated spokesperson at the Hearing.

4) Discovery.

All discovery is at the discretion of the Hearing Officer. Requests to take discovery must be made in writing to the Hearing Officer with notice to the other party. Discovery may only be taken with the prior permission of the Hearing Officer. Notwithstanding the foregoing, each party shall, on request by the other party or by the Hearing Officer, serve on the other parties and the Hearing Officer a list of potential witnesses who may be called upon to testify at the Hearing. Such list shall include the home address and place of employment of each witness and shall be served within 7 days after receipt of the request.

5) Depositions.

A) The Hearing Officer may order the taking of depositions, specifying the subject matter to be covered, of a person under oral examination or written questions, for use as evidence at the Hearing, provided:

i) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony and there is a substantial possibility that the person will be unavailable at the time of the Hearing (such as when a witness has scheduled vacation or an out-of-town trip); and

ii) Such request is made on motion by a party who gives notice of such motion to the other party.

B) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases, and the order for the taking of a deposition may provide that any designated books, papers, documents, or tangible objects that are not privileged shall be produced at the same time and place.

C) Any party to the Hearing shall have the right to confront and cross-examine any witness whose deposition is taken.

D) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives such right in writing.

6) Subpoenas.

A) The Hearing Officer may request the Secretary of the Board to issue a subpoena to compel the attendance of a witness or the production of documents when such witness has, or such

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documents contain, relevant evidence. A party may also request the Hearing Officer to request the Secretary of the Board to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall either be in writing or on the record and shall:

i) Identify the witness or document sought; and
ii) State the facts that will be proven by each witness or document sought.

B) The Hearing Officer shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the Hearing Officer shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied if the Hearing Officer finds that the evidence sought is immaterial, irrelevant, or cumulative. If the request for subpoena is denied, the specific reasons for denial of the request shall be made part of the record on appeal.

C) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the Hearing Officer, at the same time serving a copy of the application upon the other party. If satisfied that the subpoena was properly served and that the application is in proper form, the Hearing Officer shall sign a subpoena to be submitted with the application and the party seeking the subpoena may then file and prosecute the application to the circuit court, in the name of the Board of Trustees of the System. The petitioner in the application shall be styled as "[Name of Petitioner] ex rel. Board of Trustees of the State Universities Retirement System of Illinois" unless the petitioner is the System, in which case the petition shall be brought in the name of the Board of Trustees. In the event of an application being filed with the circuit court, the matter shall be continued pending the outcome of the application to enforce the subpoena.

D) The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State and shall be paid by the party seeking the subpoena.

7) Conduct of the Hearing.

A) The Hearing Officer shall be conducted by the Hearing Officer Claims-Committee. The Hearing shall be conducted by the Hearing Officer Claims-Committee. Other members of the Claims Committee may, but are not required to, attend the hearing. The Hearing Officer shall have full power to conduct the hearing and the presence of any other members of the Claims Committee is not required. The Hearing Officer shall be one of the members of the

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Claims Committee chosen by them to be the Hearing Officer. The Claims Committee shall be composed of the Executive Director of the System (the agency head) and two additional members chosen by the Board of Trustees, at least one of whom shall be a Board member. The final member of the Claims Committee shall be selected from the membership of the Board of Trustees, participants in the System or attorneys licensed to practice law in the State of Illinois. At a minimum, the members of the Claims Committee shall have a general familiarity with the provisions of the Illinois Pension Code and the rules, regulations, and policies of the System and the rules of evidence as applied in civil cases.

B)††† Procedures. The Hearing Officer Claims Committee shall choose one of its members to act as Presiding Officer over the Hearing. The Presiding Officer shall conduct a full and fair Hearing, receive testimony and documentary evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing Presiding Officer shall make all procedural and evidentiary rulings necessary for the conduct of the Hearing. As a general matter, the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally recognized technical facts within the agency's specialized knowledge and the agency's experience, technical competence and specialized knowledge may be used in evaluation of the evidence. The Hearing Officer, and any member of the Claims Committee attending the hearing, Members of the Claims Committee may ask questions necessary for better understanding of the facts or law. The Hearing Officer shall have the authority to impose reasonable time limits for each party to present its case and shall, in general, have the power to manage and control the hearing process. The Hearing shall be open to the public unless the Hearing Presiding Officer, for good cause shown, determines shall determine otherwise.

C)††† Record of Proceedings. Two records A--record of proceedings shall be kept that which shall be in the form of: i) a non-verbatim "bystander's report", and ii) either a stenographic transcription or a tape recording. The claimant Petitioner may obtain a stenographic transcription

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or a copy of a tape recording of the Hearing by making a timely request and paying the actual cost entailed.

D)††† Disqualifications; Ex Parte Communications. Disqualification Disqualifications. A Hearing Officer or Other Any member of the Claims Committee may be disqualified to preside at the Hearing on grounds of bias or conflict of interest. A motion to disqualify a Hearing Officer Claims Committee or other member of the Claims Committee for bias or conflict of interest should be made to the Hearing Officer Committee by any party to the Hearing at least one week three--days prior to the commencement of the Hearing, with a copy of the motion to be simultaneously submitted to the General Counsel opposing party, or that party's attorney of record. The motion shall be heard, considered and ruled upon by the Hearing Officer Claims Committee at or prior to the commencement of the Hearing. The movant shall have the burden of proof with respect to the motion to disqualify. Either an adverse ruling or the fact that a Hearing Officer or other Committee member of the Claims Committee is an full-time employee of the System or has a contract with the System, standing alone, shall not constitute bias or conflict of interest [5 ILCS 100/10-30]. The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal knowledge of facts bearing upon the claim. The Executive Director may not be disqualified as a member of the Claims Committee on the basis that the Executive Director is responsible for the overall administration of the System. In the event that a Hearing Officer or other any member of the Claims Committee is disqualified or is otherwise unable to serve on the Committee, the Board President may appoint another person to the Claims Committee and shall appoint another person if the Claims Committee is reduced to less than two members, or the Claims Committee shall appoint another Hearing Officer from among its members, as the case may be at the discretion of the Presiding Officer either the Hearing may proceed so long as at least two members of the Claims Committee are able to serve or the President of the Board of Trustees shall designate a temporary replacement.

Ex Parte Communications Prohibited. Except in the disposition of matters that the System is authorized by law to entertain or dispose of on an ex parte basis, the Executive Director and members of the Claims Committee shall not, after receiving notice of a Hearing in a contested matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative

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of any party, except upon notice and opportunity for all parties to participate. However, an employee of the System may communicate with other employees of the System and an employee of the System or member of the Claims Committee may have the aid and advice of one or more assistants. An ex parte communication received by the Executive Director or any member of the Claims Committee shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. [5 ILCS 100/10-60]

Elv Recommendations and Decisions. Upon conclusion of all Claims Committee Recommendation. The Claims Committee shall privately evidence and arguments, the Claims Committee shall privately deliberate and make a recommendation as to the disposition of the claim based on the evidence of record. The record of proceedings shall be completed upon conclusion of the hearing by the Hearing Officer, unless the Hearing Officer determines to re-open the proceedings. The Claims Committee shall make one of the following recommendations: "affirmance of the administrative action, reversal of the administrative action, or remand remandment of the case to the administrative staff for further consideration. The recommendation of the Claims Committee shall be made to the Executive Committee of the Board of Trustees. The claimant may file a statement of exceptions to the findings of the Claims Committee and may file a brief in support of its statement of exceptions. The statement of exceptions and brief must be submitted to the General Counsel not less than 30 days prior to the date that the Executive Committee is scheduled to hear this claim, as set forth in written notice to the claimant. The notice shall be given not less than 60 days prior to the meeting of the Executive Committee. The System may file a reply brief not less than 7 days prior to the date that the Executive Committee is scheduled to hear this claim. The recommended decision of the Claims Committee is a non-final decision, subject to the ultimate decision of the Executive Committee of the Board of Trustees.

Executive Committee Decision. The Executive Committee of the Board of Trustees shall make a decision on the claim following receipt of a recommended decision from the Claims

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Committee, any statement of exceptions or brief filed by the claimant, and any reply brief filed by the System. No oral argument shall be permitted before the Executive Committee unless otherwise determined by the Executive Committee. The record of proceedings shall be completed upon conclusion of the hearing of the Claims Committee. No additional arguments or evidence may be presented to the Executive Committee by the petitioner or by the administrative staff of the System. The Executive Committee shall consider the recommendation of the Claims Committee, any statement of exceptions or brief filed by the claimant, any reply brief of the System, and any permitted oral argument in making a decision for the System as to the disposition of the claim. The Executive Committee shall render one of the following decisions with respect to the claim: affirmance of the administrative action, reversal of the administrative action, or remand remandment of the case to the administrative staff for further consideration. Remand Remandment of the case to the administrative staff shall not be considered a final decision of the Executive Committee. A decision by the Executive Committee either reversing or affirming the decision of the administrative staff shall constitute a final decision for the purpose of review under the Administrative Review Law [735 ILCS 5/Art. III].

A final decision of the Executive Committee shall be in writing or stated in the record. A final decision of the Executive Committee shall include findings of fact and conclusions of law, separately stated. The Executive Committee may adopt as its own the findings of fact and conclusions of law of the Claims Committee. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law. Parties or their agents shall be notified either personally or by registered or certified mail of any decision of the Executive Committee. Upon request, a copy of the decision shall be delivered or mailed to each party and to his or her attorney of record. [5 ILCS 100/10-50]

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases

- a) Introduction. Public Act 90-65 added to Section 15-112 of the Illinois Pension Code a limitation on increases in earnings for the

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- period of time covered under the calculation of final rate of earnings. This administrative rule is promulgated to provide guidance and interpretation to the staff of the State Universities Retirement System in implementing this legislation.
- b) All annual increases in earnings, as defined at Section 15-111 of the Illinois Pension Code, by an employee during the period used in determining the final rate of earnings of 20% or less shall be deemed to be includable in the calculation of the final rate of earnings. NO further inquiry shall be necessary by the staff of the System.
- c) In the event that there is an annual increase in earnings by an employee during the period used in determining the final rate of earnings of greater than 20%, such increase in excess of 20% shall be disregarded in calculating the final rate of earnings.
- d) Regardless of subsection (c), the following shall not be considered in determining whether the annual earnings have increased in excess of 20%:
- 1) a bona fide change in the percentage of time worked by the employee (except that time worked in excess of 100% per employer shall be considered);
 - 2) a change from a nine-month position to a twelve-month position;
 - 3) a change in position; for example, changing position from professor to dean;
 - 4) overloads or extensions, so long as the overload for which payment is received took place during the period used for calculating the final rate of earnings; and
 - 5) supplemental contracts, so long as verifiable additional work is performed pursuant to the supplemental contract.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1600.130 Procurement

- a) Introduction. It is the policy of the State Universities Retirement System to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of System resources. Resources of the System shall be committed only with proper approval, as detailed in this Section.
- b) Purchase Orders. Employees requesting goods or services that cost more than \$500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than \$500 do not require a purchase order, but must be within the authority of the employee to purchase.
- c) Contract Policy. It is the policy of the State Universities Retirement System to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with

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applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.

- 1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by the System, but shall not be required for purchase orders of \$25,000 or less. Any variation from the terms of the standard addendum shall be approved by the System's General Counsel. The standard addendum may be revised by the General Counsel from time to time.
- 2) Written Contracts. All expenditures in excess of \$25,000, which are not otherwise covered by any exemption stated in this Section, shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board of Trustees. Contracts in excess of \$250,000 require the signatures of the Executive Director, the Deputy Director of Finance and the General Counsel. Notwithstanding the foregoing, all contracts with persons who are fiduciaries with respect to any investments of the System shall also be signed by the President of the Board, or his or her designee. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Deputy Director of Finance.
- d) Documentation and Bidding - Expenditures in Excess of \$100,000
- 1) Employees shall seek to obtain the best value for the System. Efforts to obtain the best value for the System shall be documented where possible and retained by the System. Expenditures in excess of \$100,000 require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of \$100,000 shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.
- 2) All procurements in excess of \$100,000, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. Such notice shall be published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.

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- 3) All procurements for goods and services in excess of \$100,000, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to such competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.

- 4) The following procurements do not require advertising, or the use of competitive proposals:

- A) Individual contracts for goods, services or construction not exceeding \$100,000;
- B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records; provided that a written determination is made that an emergency exists; and
- C) Utilities and other sole-source items.

e) Purchasing

- 1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of \$500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of \$25,000) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not allowed to make purchases of office supplies, computer equipment, or software.
- 2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude any such charge on invoices. Employees should also ask if discounted State rates are available for purchases.
- 3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and advised of the reason for the denial. If approval is made after 30 days, a full explanation should be attached to the invoice.

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- 4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act (30 ILCS 105/9.05). In the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required deposits of less than \$500.

The certification shall be in the following format:
 "I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for such goods or services was authorized and lawfully incurred; that such goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment." (Insert following sentence in certification if applicable: "It is not possible to execute a formal written contract.")

(Date) _____ (Signature) _____

(Source: Added at 23 Ill. Reg. _____, effective _____)

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1) Heading of Part: Land Application Authorization Program

2) Code Citation: 8 Ill. Adm. Code 258

3) Section Numbers: Adopted Action:

258.10 New Section
258.20 New Section
258.30 New Section
258.40 New Section
258.50 New Section
258.60 New Section
258.70 New Section
258.80 New Section
258.90 New Section
258.100 New Section
258.APPENDIX A New Section
258.APPENDIX B New Section
258.APPENDIX C New Section

4) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

5) Effective Date of rules: June 25, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 10927, June 26, 1998.

10) Has JCARR issued a Statement of Objection to this rulemaking? No

11) Difference between proposal and final version: Nonsubstantive editorial corrections have been made. Three new sections have been added: Section 258.50 Remediation Suitability Determination, Section 258.100 Penalties and Enforcement, and Section 258.Appendix A Remediation Suitability Determination Levels. Some of the section headings have been renumbered and amended. All references to "contaminated media" have been changed to "remediation media".

Section 258.10(a) changes: "and groundwater, hereinafter referred to as remediation media," was inserted after "agricultural-contaminated soils"; "or 2) groundwater contaminated by" was deleted and replaced with "and resulting from the cleanup of". After "agricultural", the remainder of

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the sentence was deleted: "provided the groundwater is not also contaminated due to the release of a petroleum product or hazardous substance other than an agricultural pursuant to 415 ILCS 60/19(9)."

In Section 258.30, definitions for "Agronomic Rate", "Cropland", "Family of Pesticides", and "Land Application" were added. Amendments were made to the definitions of "Application Area", "Farmland", "Field Access Lane", "Modification", "Remediation Media", "Stockpile", and "Written Authorization for Land Application."

In Section 258.40, one incorporation was deleted, three were added, and corrections in the references to the remaining four were made.

In Section 258.60(a), "and approval by the Department" was added at the end of the paragraph. In Section 258.60(b)(1) and (2), amendments were made regarding information to be included on an application for an Authorization. In Section 258.60(b)(10), "identification of the limiting pesticide" was changed to "identification of the most-limiting analyte."

In Section 258.60(c), "or the owner's authorized agent" was added after "owner." A new subsection (e) was added to Section 258.60 regarding remediation media applied to cropland. Amendments were made to Section 258.60(g) regarding the Department's review of an application.

In Section 258.70(a), "or stockpile remediation media" was added after "land apply" and "contaminated" was deleted. In Section 258.70(a)(1), "or regulated recharge area" was added after "setback zone".

In Section 258.70(a)(2), "or within 1000 feet of any surface water body that is the subject of any health advisory regarding agricultural chemicals listed in Appendix A" was added after "surface water". In Section 258.70(a)(8), a frost depth was added. In Section 258.70(c), "agricultural contaminated" was deleted before "soil" and "1) conducted in accordance with the requirements of subsections (a) through (i) of this section" was deleted. At the end of the Section 258.70(d), "The most-limiting application rate shall govern the land application of remediation media." was added. A new subsection "h)" was added to Section 258.70.

In Section 258.90(a), the paragraph was amended to begin with "Remediation media subject to a land application authorization must be sampled and analyzed for the analytes." After "analytes", "in accordance with requirements of Section 258.50 Remediation Suitability Determination and" was added. New language was added in Section 258.90(b) and the old was deleted.

In Section 258.90(c), after "land application area", "excluding field access lanes," was inserted.

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In Section 258.90(c) after "analyzed for", "all analytes detected" was deleted and replaced with "the five analytes detected at the highest concentrations and the most-limiting application rate analytes".

The last sentence of Section 258.90(c) was deleted that read "Consideration shall also be given to inclusion on the analyte list of compounds utilized at the land application area during the past two growing seasons that are chemically similar to those detected in the samples collected from the agricultural facility".

In Section 258.90(f), "except field access lanes that must be sampled at the rate of at least one composite soil sample per 250 lineal feet" was added at the end of that subsection.

In Section 258.90(g), the following was added: "The Department may approve alternative equivalent testing methods for any specific remediation media. The approval may be conveyed by special condition in the written authorization for land application or by letter from the Department."

Amendments were made to Section 258.APPENDIX B by adding columns: "CAS NO." and "PEST METHOD", and "Nutrients", "Sources", and "Notes". In Section 258.APPENDIX C, the next to the last sentence in the first paragraph was changed to read: "The five-acre squares will be sampled by dividing the square into quadrants and a composite grab sample will be collected from the four quadrants."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these rules replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Retail agricultural facilities conducting remediation activities relative to past soil or groundwater contamination from pesticide and/or fertilizer releases may opt to request a written authorization from the Department of Agriculture for the land application of the contaminated soil or groundwater at agronomic rates onto farmland. The owner or operator of the facility is required to determine the contamination levels present in the soil or groundwater and submit an application to the Department which details the location of the proposed application, the transportation route, the contamination levels present and the proposed application rate. If approved by the Department, the owner or applicator conducts the operation and submits a closure report to the Department for review and approval. The closure report is to include post-application sampling of the land application area to ensure that no adverse impact has been made to the area as a result of the activity.

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16) Information and questions regarding these adopted rules shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of adopted rules begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER I: PESTICIDE CONTROL

PART 258
LAND APPLICATION AUTHORIZATION PROGRAM

Section	
258.10	Applicability
258.20	Severability
258.30	Definitions
258.40	Incorporation by Reference
258.50	Remediation Suitability Determination
258.60	Written Authorization for Land Application
258.70	Operational Control Practices, Limitations and Restrictions
258.80	Closure Reporting
258.90	Remediation Media and Land Application Area Sampling and Analysis
258.100	Penalties and Enforcement
APPENDIX A	Remediation Suitability Determination Levels
APPENDIX B	Priority Analyte List
APPENDIX C	Land Application Area Sampling

AUTHORITY: Authorized by Section 19 of the Illinois Pesticide Act [415 ILCS 60/19].

SOURCE: JUN 29 1999 at 23 Ill. Reg. 7721-25 effective

Section 258.10 Applicability

- a) This Part applies to the owner or operator of an agrichemical facility requesting Department issuance of a written authorization for land application of agrichemical-contaminated soils and groundwater, hereinafter referred to as remediation media, at agronomic rates pursuant to 415 ILCS 60/19(9) and resulting from the cleanup of the on-site release of agrichemicals.
- b) This Part does not apply to the land application of remediation media to any land other than farmland.

Section 258.20 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

Section 258.30 Definitions

Definitions for this Part can be located in Section 4 and Section 19 of the

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Illinois Pesticide Act [415 ILCS 60/4 and 19]. The following definitions shall also apply to this Part:

- "Agrichemical" means pesticides or commercial fertilizers at an agrichemical facility.
- "Agronomic Rate" means the optimum rate for crop yields as determined by the soil, climate, and the science of agronomy.
- "Applicant" means an owner, operator or designated officer of an agrichemical facility that is required to obtain a Written Authorization for Land Application.
- "Application Area" means the farmland upon which remediation media is or will be applied at or below agronomic rates.
- "Authorization" means a Written Authorization for Land Application.
- "Cropland" means land used for the agricultural production of plants and plant part commodities.
- "Department" means the Illinois Department of Agriculture.
- "Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:
- Method Detection Limit or MDL, which means the minimum concentration of a substance that can be measured as reported with 99% confidence that the true value is greater than zero pursuant to 40 CFR 136, Appendix B (July 1997);
- Method Quantitation Limit or MQL, which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".
- "Family of Pesticides" means a group of structurally similar agrichemical compounds that exhibit common biochemical actions.
- "Farmland" means lands utilized for agricultural purposes, including both areas used for cropland and areas used for field access lanes.
- "Field Access Lane" means a private road utilized for admittance by vehicles of husbandry to cropland, but does not include private roads that provide primary access to a structure being used for human habitation.
- "Groundwater" means groundwater as defined in the Illinois Groundwater

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Protection Act [415 ILCS 55/3].

"Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

"Land Application" means the environmental treatment of remediation media by incorporation with farmland soils.

"Modification" means changes in the remediation media concentration, its volume, the agrichemicals present, the application rate, the location or size of the application area, or sample collection and associated analysis protocol.

"Regulated Recharge Area" means a compact geographic area, as determined by the Pollution Control Board pursuant to Section 17.4 of the Environmental Protection Act [415 ILCS 5/17.4], the geology of which renders a potable resource groundwater particularly susceptible to contamination [415 ILCS 5/3.67].

"Remediation Media" means soil, mixture of soil and gravel, or groundwater containing an agrichemical that is being managed as part of a cleanup.

"Setback zone" means a geographic area, designated pursuant to the Environmental Protection Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.61].

"Sinkhole" means any natural depression formed as a result of subsurface removal of soil or rock materials causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7 1/2 minute quadrangle topographic maps or as determined by field investigations.

"Stockpile" means the storage, temporary storage, or containment of remediation media in such a manner as not to constitute final disposal or land application.

"Written Authorization for Land Application" means a written statement issued by the Department granting approval for the land application of remediation media onto farmland in accordance with the provisions of this Part.

Section 258.40 Incorporation by Reference

- a) The Department incorporates the following material by reference:

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- 1) ASTM - American Society for Testing Materials, 1916 Race Street, Philadelphia PA 19103, (215) 299-5400.

"Standard Practice D 4220 for Preserving and Transporting Soil Samples", ASTM 1995.

"Standard Practice D 4840 for Sampling Chain-of-Custody Procedures", ASTM 1995.

- 2) NTIS - National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161, (703) 487-4600.

"Methods for the Determination of Organic Compounds in Drinking Water", USEPA, Publication No. EPA-600/4-88-039 (December 1998).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", USEPA Publication No. EPA/600/R-92/129 (August 1992).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", USEPA Publication No. EPA/600/R-95/131 (August 1995).

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA Publication Number SW 846 (Third Edition, Final Update III, December 1996), as amended by Updates I, IIA, and III (Document No. 955-001-00000-1).

- 3) University of Illinois Board of Trustees, 1401 South Maryland Drive, Urbana IL 61801 (217)333-2007.

"Illinois Agronomy Handbook", University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Department of Crop Sciences, Cooperative Extension Service, Circular 1360 (December 1998).

- b) These incorporations by reference do not include any amendments or editions beyond the dates specified.

Section 258.50 Remediation Suitability Determination

Remediation media that is the subject of an application for Department issuance of written authorization for land application must be evaluated for media composition and remediation suitability in accordance with this Section.

- a) The applicant must develop an appropriate, site-specific list of analytes for sample analysis based on an evaluation of the source area at the agrichemical facility and interviews with the facility

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- management. The analytes included in Appendices A and B of this Part should serve as a guide to the applicant in the development of the site-specific list of analytes.
- b) The remediation media must be sampled in accordance with the requirements of this Part and analyzed for the presence and concentration of the analytes included on the list of analytes required in subsection (a) of this Section.
 - c) If the list required in subsection (a) of this Section includes any of the pesticides contained in Appendix A of this Part, the concentration of the pesticide in the remediation media must be compared to its associated Remediation Suitability Determination Level. If the remediation media concentration for any pesticide listed in Appendix A of this Part is equal to or greater than its associated Remediation Suitability Determination Level, then the media is NOT considered suitable for Department issuance of a land application authorization at its current concentration, unless the applicant demonstrates to the Department, using an appropriate risk-based model, that the remediation media may be safely land applied.
 - d) Nothing in this Part limits the applicant from pre-treating the remediation media to achieve suitable concentrations below the Remediation Suitability Determination Levels in Appendix A of this Part pursuant to review and approval by the Department in response to a request for written authorization for land application.

Section 258.60 Written Authorization for Land Application

- a) An Authorization issued by the Department pursuant to this Part must be obtained by an applicant prior to the commencement of any stockpiling or land application of remediation media at a proposed application area. In the case of the ownership transfer of an agricultural facility, an Authorization may be transferred to the new owner or operator of the agricultural facility upon written notification by the applicant to the Department and approval by the Department.
- b) An application for an Authorization must be submitted on forms provided by the Department. Information submitted in an application must include the following:
 - 1) The facility name, address and telephone number, and the applicant's full legal names, addresses and telephone numbers, including any authorized agents of the applicant and any contact persons to whom correspondence must be addressed, and the applicant's signature authorizing the application;
 - 2) The full legal names, addresses and telephone numbers of the proposed land application area owners, including any authorized agents acting on behalf of such owners and any contact persons to whom correspondence must be addressed, and the land owners' signatures authorizing the application;
 - 3) The name of the persons responsible for the project design and

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- management and his/her address, telephone number, and signature;
- 4) Topographic and plat maps of the proposed land application area;
 - 5) A location area map of the proposed land application area;
 - 6) A soil survey map of the proposed land application area;
 - 7) A map of the proposed transportation route from the agricultural facility to the proposed land application area;
 - 8) A listing of the remediation media analyte concentrations, a description of the methods utilized to determine the remediation media analyte concentrations, and the volume of remediation media proposed to be land applied;
 - 9) A description of the agricultural crop to be grown on the land application area and date of the proposed land application;
 - 10) A proposed remediation media application method or procedure, application rate, supporting data and calculations, including the label rates associated with each pesticide present and the identification of the most-limiting analyte on which the remediation media application rate is to be based, each of which must be consistent with the requirements found at Section 258.70(d) of this Part;
 - 11) A description of the proposed method to be utilized for the calibration of the application device to ensure consistent distribution of remediation media to the land application area; and
 - 12) The legal description of the land application area and the acreage available at each site.
- c) Applications for an Authorization must be accompanied by a letter of agreement from the owner of the application area, or the owner's authorized agent, indicating he or she understands the nature of the project and has agreed to participate.
 - d) In the case of remediation media applied to field access lanes, applications for an Authorization must include a statement of commitment by the applicant to collect and analyze soil samples from the land application area prior to the application of remediation media, one year after the application of remediation media, and any subsequent sampling and analysis required pursuant to Section 258.80 of this Part. Such samples must be analyzed for the presence and concentration of all analytes detected in the samples of remediation media collected at the agricultural facility that have been established as the basis for the proposed application rate. Results of pre-application sampling must be submitted to the Department within 30 days after receipt and must also be submitted as part of the Closure Report as described in Section 258.80 of this Part. Analytical results of the soil sampling conducted one year after the application of remediation media and any other subsequent sampling required pursuant to Section 258.80 of this Part must be submitted to the Department as part of the Closure Report(s).
 - e) In the case of remediation media applied to cropland, applications for an Authorization must include a statement of commitment by the

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applicant to collect and analyze soil samples from the land application area prior to the application of remediation media, no more than two years after the application of remediation media, and any subsequent sampling and analysis required pursuant to Section 258.80 of this Part. Results of pre-application sampling must be submitted to the Department within 30 days after receipt and must also be submitted as part of the Closure Report as described in Section 258.80 of this Part. Analytical results of the soil sampling conducted no greater than two years after the application of remediation media and any other subsequent sampling required pursuant to Section 258.80 of this Part must be submitted to the Department as part of the Closure Reports.

f) Applications for an Authorization must include a description of the methods to be used to determine and document the actual amount of remediation media applied to the land application area expressed in tons/acre or gallons/acre, as appropriate. Such methods must result in documentation that will be submitted to the Department as part of the Closure Report pursuant to Section 258.80 of this Part.

g) Upon receipt of an Application, the Department shall review the application for completeness and technical feasibility.

- 1) If the submittal is deemed incomplete, the Department shall notify the applicant in writing within 30 days after receipt and identify the deficiencies.
- 2) If the submittal is deemed complete and in compliance with the provisions of this Part, the Department shall issue an Authorization to the applicant in writing within 90 days after receipt.
- h) The Department shall have the authority to revoke any Authorization that has not been implemented within two years after the date of issuance. Such Authorization(s) may be renewed or denied by the Department upon request by an applicant.
- i) Authorizations shall be amended and approved by the Department prior to modification and implementation of the Authorization.

Section 258.70 Operational Control Practices, Limitations and Restrictions

a) No applicant shall land apply or stockpile remediation media:

- 1) within any Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/14] defined wellhead setback zone or regulated recharge area;
- 2) within 200 feet of any surface water or within 1,000 feet of any surface water body that is the subject of any health advisory regarding agrichemicals listed in Appendix A;
- 3) within 20 feet of a farmland edge unless the application is to a field access lane and is performed consistent with subsection (g) of this Section;
- 4) within any flood plain with a return frequency of 10 years or less;
- 5) within 200 feet of a drainage tubing surface inlet;

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- 6) within 200 feet of a sinkhole;
- 7) within 200 feet of a structure being used for human habitation at the time of the proposed application. In addition, no applicant shall land apply remediation media within 200 feet of a structure being used as a common place of assembly, such as a church, school or business;
- 8) onto frozen farmland with a frost depth of one inch or greater;
- 9) onto a portion of farmland that has a slope in excess of five percent; and
- 10) within 200 feet of any Class III: Special Resource Groundwater as defined by 35 Ill. Adm. Code 620.230.
- b) No applicant shall stockpile groundwater at the application area.
- c) Stockpiling of soil, gravel or mixture of soil and gravel at the application area must be located in such a manner that agrichemical migration due to surface water into setbacks established under subsections (a) and (h) of this Section and potential agrichemical migration to surface water and groundwater is prevented.
- d) Application rates and pesticide labeled uses. No applicant shall land apply remediation media inconsistent with pesticide label rates or generally accepted agronomic fertilizer application rates. The most-limiting application rate shall govern the land application of remediation media.

- 1) In the event that a pesticide that is not labeled for use with the specific crop to be grown on a land application area and is present in remediation media with other pesticides that are labeled for use with the proposed crop, consideration must be given to any potential phytotoxic effects that could arise from the proposed land application to the crop to be grown when developing a proposed application rate. In such instances, the application rate of the non-labeled pesticide must not exceed 10 percent of its most limited label rate for use on other agricultural crops.
- 2) In the event that more than one pesticide from a family of pesticides is present in the remediation media or when additive effects of the pesticides may be possible, consideration must be given to possible phytotoxic effects resulting from a remediation media application rate based only on the single highest concentration present, and the proposed application rate must be reduced below such potential phytotoxic application rates.
- 3) In the event that more than one pesticide is present in the remediation media, consideration must be given to commercially available blends that contain those pesticides and the labeled rate of application associated with those commercially available blends. In such cases, the application rate of the remediation media must be based on the labeled application rate of the commercially available blend.
- 4) In the event that fertilizer is present in the remediation media, the land application rate must be based upon the most limiting of

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either the nutrient application rate or the pesticide label rate, whichever is most restrictive. Nutrient application rates must be based upon accepted agronomic rates of nutrient application for the crop or commodity to be grown such as those recommendations contained in the Illinois Agronomy Handbook, published by the University of Illinois at Urbana-Champaign and incorporated by reference in Section 258.40.

e) In addition to the other provisions of this Part, applications of remediation media onto farmland currently enrolled in the Conservation Reserve Program shall only be allowed when the application submittal includes a written acknowledgment from a representative of the United States Department of Agriculture - Natural Resource Conservation Service of the county where the proposed land application area is located that indicates that the proposed activity will not adversely affect the program status of the land application area.

f) No applicant shall stockpile remediation media at the application area for more than 30 calendar days without prior approval of the Department.

g) No applicant shall land apply remediation media to a field access lane unless:

- 1) the owner of the field access lane and contiguous properties of the field access lane are the same; or
- 2) the owner or owners of the field access lane and the owners of property contiguous with the field access lane provide letters of agreement to the Department indicating approval of the land application of remediation media to the field access lane.

h) In the case of remediation media applied to farmland proposed to be conducted within the watershed of any surface water body that is the subject of a health advisory regarding any pesticide included in Appendix A of this Part, the activity must include operational control practices to control possible movement of the remediation media from the application site. Such operational control practices may include immediate incorporation of the remediation media after application onto farmland, or other techniques as may be appropriate and approved by the Department.

Section 258.80 Closure Reporting

a) A Closure Report must be submitted to the Department within 60 days after receipt of analytical results associated with closure sampling required under subsection (b)(2) of this Section for the land application of remediation media authorized by the Department pursuant to Section 258.60 of this Part.

b) The Closure Report must include the following information:

- 1) Analytical results from the pre-application soil sampling of the land application area;
- 2) Analytical results from the soil sampling of the land application area;

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A) conducted no later than two years after the application of remediation media; or

B) in the case of field access lanes, conducted no later than one year after the application of remediation media;

3) Documentation of the actual amounts of remediation media that was land applied during the project and calculations indicating that the application rates were equal to or less than those authorized by the Department;

4) Documentation of all agrichemical applications that were made to the land application area in addition to those agrichemicals present in the remediation media; and

5) A summary and discussion of the results of the project including the changes in land application area agrichemical concentrations based on the pre-spreading land application area sampling required at Section 258.80(b)(1), the projected amounts of agrichemicals applied via the remediation media required at Section 258.80(b)(3), the amounts of agrichemicals applied via normal crop production required at Section 258.80(b)(4), and the post-spreading or closure land application area sampling required at Section 258.80(b)(2).

c) Upon receipt of a Closure Report, the Department shall review the submittal and evaluate whether the report indicates that detected agrichemical levels in the soil at the proposed time of closure have been elevated above the pre-application levels or have returned to the pre-application values.

1) If the submittal indicates that the land application area has returned to pre-application conditions, the Department shall issue a Notice of Closure within 45 days after receipt. The Notice of Closure shall indicate the applicant has land applied remediation media to the application area in accordance with the Authorization and all requirements of this Part. An applicant that has been issued a Notice of Closure shall no longer be subject to the requirements of this Part.

2) If the submittal indicates that the land application area has not returned to the pre-application condition, the Department shall, within 45 days from the date of receipt of the Closure Report, notify the applicant in writing as to why a Notice of Closure was not issued. The Department may require additional soil and/or groundwater sampling, analysis and result reporting in the form of a Supplemental Closure Report if a Notice of Closure is not issued. The Department may also prescribe remedial measures to be conducted by the applicant to mitigate any identified adverse effects of the land application of remediation media. The applicant must conduct the prescribed activities and must prepare and submit a Closure Report detailing the results of the additional sampling and other measures as prescribed by the Department.

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Section 258.90 Remediation Media and Land Application Area Sampling and Analysis

- a) Remediation media subject to a land application authorization must be sampled and analyzed for the analytes in accordance with requirements of Section 258.50 (Remediation Suitability Determination) and included in Appendix B of this Part unless modified by the Department.
- b) Compositing soil samples may be utilized to meet the requirements of remediation media characterization. Such composited soil samples must be representative of the remediation media proposed for land application. At least one composited soil sample is suggested per one-eighth acre of the remediation media site land area, using six specimens per composite, for the purposes of compliance with this Part.
- c) Soil samples collected from the land application area, excluding field access lanes, must be analyzed for the five analytes detected at the highest concentrations and the most-limiting application rate analytes in the samples collected from the remediation media at the agricultural facility unless modified by the Department, and submitted in the form of an application.
- d) Sampling and analysis of remediation media and the land application area must be performed to provide results representative of the subject being monitored and must be consistent with the sampling and analytical methods specified in Section 258.40 of this Part.
- e) The applicant must follow sample preservation, shipment, quality control and chain-of-custody procedures to prevent tampering and contamination, and provide for reliability of sample analysis as specified in Section 258.40 of this Part.
- f) Sampling of the land application area must be conducted in accordance with Appendix C of this Part, except field access lanes that must be sampled at the rate of at least one composite soil sample per 250 lineal feet.
- g) Sampling and analytical methods must allow for detection and quantification of contaminants as required in accordance with the provisions of this Part. The Department may approve alternative equivalent testing methods for any specific remediation media. The approval may be conveyed by special condition in the written authorization for land application or by letter from the Department.

Section 258.100 Penalties and Enforcement

Enforcement actions and penalties taken as a result of a suspected failure to comply with the provisions or conditions of a written authorization for the land application of agricultural contaminated soils or groundwater issued by the Department shall be subject to the administrative actions and penalties contained in Section 24.1 of the Illinois Pesticide Act [415 ILCS 60/24.1].

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Section 258. APPENDIX A Remediation Suitability Determination Levels

PESTICIDES	CAS NO.(1)	TEST METHOD(2)	SOIL(mg/kg)(3)	GROUNDWATER (mg/L)(4)
Aldicarb	116-06-3	8321	0.2	0.003
Aldrin	309-00-2	8081	0.3	5.0E-06
Butylate	2008-41-5	8270	1040	-----
Carbofuran	1563-66-2	8270	2.5	0.04
Chlordane	57-74-9	8081	140	0.002
2,4-D	94-75-7	8151	4	0.07
4,4-DDD	72-54-8	8081	28	0.0004
4,4-DDT	50-29-3	8081	280	0.0003
Dieldrin	60-57-1	8081	0.2	5.0E-06
Dimethoate	60-51-5	8141	0.4	-----
Dinoseb	88-85-7	8151	5	0.007
Disulfoton	298-04-4	8141	1	-----
Endosulfan	115-29-7	8081	560	0.2
Endothall	145-73-3	8270	6	0.1
Endrin	72-20-8	8081	30	0.002
EPTC	759-94-4	8270	280	-----
Heptachlor	76-44-8	8081	5	0.0004
Lindane	58-89-9	8081	0.3	0.0002
Methoxychlor	72-43-5	8081	4400	0.04
Parathion, Ethyl	56-38-2	8141	1500	-----
Parathion, Methyl	298-00-0	8141	64	-----
Phorate	298-02-2	8141	10	-----
Toxaphene	8001-35-2	8081	390	0.003

Sources:

- (1) Chemical Abstract Service
- (2) USEPA Test Method (SW-846)
- (3) Illinois Department of Agriculture
- (4) Illinois Environmental Protection Agency

Notes:

(-----) Not currently available.
 This table was last modified on December 16, 1998.
 Values subject to change based on best available data.
 For new chemistry or pesticides not listed - please call the Illinois Department of Agriculture, Bureau of Environmental Programs at 217/785-2427.

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Section 258.APPENDIX B Priority Analyte List

PESTICIDES CAS NO.(1) TEST METHOD(2)

Acetochlor	34256-82-1	8151
Alachlor	15972-60-8	8081
Atrazine	1912-24-9	8141
Butylate	2008-41-5	8270
Chlorpyrifos	2921-88-2	8141
Cyanazine	21725-46-2	8141
Carbofuran	1563-66-2	8270
2,4-D	94-75-7	8151
Metolachlor	51218-45-2	8151
Metribuzin	21087-64-9	8270
Pendimethalin	40487-42-1	8091
Simazine	122-34-9	8141
Terbufos	13071-79-9	8141
Trifluralin	1582-09-8	8091

NUTRIENTS

Ammonia (as N)
Nitrate (as N)
Phosphorous
Potassium
Total Organic Matter
Water pH

Sources:

- (1) Chemical Abstract Service
(2) USEPA Test Method (SW-846)

Notes:
This table was last modified on December 16, 1998.
List subject to change based on best available data.
For new chemistry or pesticides not listed - please
call the Illinois Department of Agriculture, Bureau of
Environmental Programs at 217/785-2427.

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Section 258.APPENDIX C Land Application Area Sampling

The number of composite samples collected from the land application area will depend on the size of the land application area. For areas up to 20 acres in size, the land application area must be divided into quadrants and a composite sample will be collected from each quadrant, providing four samples. Land application areas larger than 20 acres will be divided into five-acre square grids approximately 467 feet long on each side. Four composite samples will be collected from randomly selected five-acre squares in land application areas up to 80 acres in size, representing no less than 25 percent of the five-acre grids. Land application areas larger than 80 acres will have 25 percent of the five-acre squares randomly sampled. The five-acre squares will be sampled by dividing the square into quadrants and a composite grab sample will be collected from the four quadrants. The number of composite samples for each land application area must be determined by multiplying the number of five-acre squares by 25 percent and rounding to the nearest whole number.

TABLE 1: SAMPLE NUMBER DETERMINATION

LAND APPLICATION AREA (ACRES)	NUMBER OF FIVE ACRE SQUARES	NUMBER OF SAMPLES
5	N/A	1
10	N/A	2
15	N/A	3
20	N/A	4
40	8	4
60	12	4
80	16	4
100	20	5
120	24	6
140	28	7
160	32	8
A	N=A/5	S=N/4

The sample locations must be determined by assigning consecutive numbers to each five-acre square. A five-acre square can only be counted if 50 percent or more of the land application area makes up its area. A series of random numbers must be generated using a computer spreadsheet program. The numbered five-acre squares that correspond to the random numbers must be sampled until the required number of samples is obtained.

This sampling plan is designed to statistically represent agricultural concentrations in the land application areas by sampling no less than 20 percent of the five-acre squares in a field larger than 80 acres.

The laboratory results must be evaluated to determine the mean concentration and standard deviation of the sample. The value of the concentration reported

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as present but below detection limit will be used in the calculations. A value of zero will be used for results that are reported as non-detectable. The laboratory results, mean concentration, and standard deviation will be included in the closure report submitted to the Department.

All field application area samples must be collected from the soil profile, starting at the soil surface and extending to a depth no greater than six inches.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Office of the Governor Procurement Rules
- 2) Code Citation: 44 Ill Adm. Code 1500
- 3) Section Number: Adopted Action
1500.2020 Amended
- 4) Statutory Authority: 30 ILCS 500 and 30 ILCS 525
- 5) Effective Date of amendments: June 23, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 16, 1999, 23 Ill. Reg. 4367
- 10) Has JCAR issued a Statement of Objections to the amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules no less restrictive than the requirements of the Code to govern procurements. This rulemaking prescribes standard procurement rules for the Office of the Governor in accordance with the requirements of the Illinois Procurement Code.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mark A. Novak
2 1/2 State House
Springfield, IL 62706
(217) 782-6144

OFFICE OF THE GOVERNOR

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The full text of the adopted amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXII: OFFICE OF THE GOVERNOR

PART 1500

OFFICE OF THE GOVERNOR PROCUREMENT RULES

SUBPART A: GENERAL

Section	Title
1500.01	Policy
1500.05	Application
1500.10	Definition of Terms Used in This Part
1500.15	Property Rights
1500.25	

SUBPART B: PROCUREMENT RULES

Section	Rules
1500.525	

SUBPART C: PROCUREMENT AUTHORITY

Section	Exercise of Procurement Authority
1500.1005	

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	
1500.1510	Illinois Procurement Bulletin
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SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	
1500.2005	General Provisions
1500.2010	Competitive Sealed Bidding
1500.2012	Multi-Step Sealed Bidding
1500.2015	Competitive Sealed Proposals
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1500.2025	Sole Economically Feasible Source Procurement
1500.2030	Emergency Procurements
1500.2035	Competitive Selection Procedures for Professional and Artistic Services
1500.2036	Other Methods of Source Selection
1500.2037	Tie Bids and Proposals
1500.2038	Mistakes

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1500.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section
1500.2043 Suppliers
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SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
1500.2047 Security Requirements

SUBPART H: SPECIFICATIONS

Section
1500.2050 Specifications

SUBPART I: CONTRACT TYPE

Section
1500.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1500.2060 Duration of Contracts - General

SUBPART K: CONTRACT MATTERS

Section
1500.2560 Prevailing Wage
1500.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section
1500.2800 All Costs Included

SUBPART M: PREFERENCES

Section
1500.4505 Procurement Preferences
1500.4510 Resident Bidder Preference
1500.4530 Correctional Industries
1500.4535 Sheltered Workshops for the Disabled
1500.4540 Small Business
1500.4570 Contracting with Businesses Owned and Controlled by Minorities,

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Remales and Persons with Disabilities

SUBPART N: ETHICS

Section
1500.5013 Conflicts of Interest
1500.5015 Negotiations for Future Employment
1500.5020 Exemptions
1500.5030 Revolving Door
1500.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section
1500.5510 Complaints Against Vendors
1500.5520 Suspension
1500.5530 Resolution of Contract Controversies
1500.5540 Violation of Statute or Rule
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SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section
1500.6500 General
1500.6510 No Agency Relationship
1500.6520 Obligations of Participating Governmental Units

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1500.7000 Severability
1500.7010 Government Furnished Property
1500.7015 Inspections
1500.7020 Records and Audits
1500.7025 Written Determinations
1500.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12823, effective July 1, 1998, for a maximum 150 days; adopted at 22 Ill. Reg. 21352, effective November 25, 1998; amended at 23 Ill. Reg. 2740-1, effective JUN 23 1999.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1500.2020 Small Purchases

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED AMENDMENTS

a) Application

- 1) Procurements of \$25,000 ~~\$107,000~~ or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 23 Ill. Reg. 2740-24 effective JUN 23 1999)

OFFICE OF THE LIEUTENANT

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Office of the Lt. Governor's Procurement Rules2) Code Citation: 44 Ill Adm. Code 16003) Section Number: 1600.2020 Adopted Action
Amended4) Statutory Authority: 30 ILCS 500 and 30 ILCS 5255) Effective Date of Amendments: June 23, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Date Notice of Proposal Published in Illinois Register: April 16, 1999, 23 Ill. Reg. 437310) Has JCAR issued a Statement of Objections to the amendments? No11) Differences between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these amendments replace an emergency rule currently in effect? Yes14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules no less restrictive than the requirements of the Code to govern procurements. This rulemaking prescribes standard procurement rules for the Office of the Lieutenant Governor in accordance with the requirements of the Illinois Procurement Code.

16) Information and questions regarding these adopted amendments shall be directed to:

Mark A. Novak
1/2 State House
Springfield, IL 62706

OFFICE OF THE LIEUTENANT
NOTICE OF ADOPTED AMENDMENTS

(217)782-6144

The full text of the adopted amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXXIII: OFFICE OF THE LT. GOVERNOR

PART 1600

OFFICE OF THE LT. GOVERNOR'S PROCUREMENT RULES

SUBPART A: GENERAL

Section	Title
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1600.05	Application
1600.10	Definition of Terms Used in This Part
1600.15	Property Rights
1600.25	

SUBPART B: PROCUREMENT RULES

Section	Rules
1600.525	

SUBPART C: PROCUREMENT AUTHORITY

Section	Exercise of Procurement Authority
1600.1005	

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

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1600.1510	Illinois Procurement Bulletin
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1600.2005	General Provisions
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1600.2035	Competitive Selection Procedures for Professional and Artistic Services
1600.2036	Other Methods of Source Selection
1600.2037	Tie Bids and Proposals

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1600.2038 Mistakes
1600.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section
1600.2043 Suppliers
1600.2045 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
1600.2047 Security Requirements

SUBPART H: SPECIFICATIONS

Section
1600.2050 Specifications

SUBPART I: CONTRACT TYPE

Section
1600.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1600.2060 Duration of Contracts - General

SUBPART K: CONTRACT MATTERS

Section
1600.2560 Prevailing Wage
1600.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

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1600.2800 All Costs Included

SUBPART M: PREFERENCES

Section
1600.4505 Procurement Preferences
1600.4510 Resident Bidder Preference
1600.4530 Correctional Industries
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1600.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART N: ETHICS

Section
1600.5013 Conflicts of Interest
1600.5015 Negotiations for Future Employment
1600.5020 Exemptions
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1600.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

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1600.5510 Complaints Against Vendors
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SUBPART P: GOVERNMENTAL JOINT PURCHASING

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1600.6500 General
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SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1600.7000 Severability
1600.7010 Government Furnished Property
1600.7015 Inspections
1600.7020 Records and Audits
1600.7025 Written Determinations
1600.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12893, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21422, effective November 25, 1998; amended at 23 Ill. Reg. 2740-1, effective

JUN 23 1999

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

OFFICE OF THE LIEUTENANT

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Section 1600.2020 Small Purchases

a) Application

1) Procurements of \$25,000 \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 23 Ill. Reg. 2740-2, effective JUN 23 1999)

HEALTH FACILITIES PLANNING BOARD

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1) Heading of the Part: Health Facilities Planning Procedural Rules

2) Code Citation: 77 Ill. Adm. Code 1130

3) Section Number(s): Adopted Action:
1130.140 Amendment

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) Effective Date of Rulemaking: July 9, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999 at 23 Ill. Reg. 3614

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

Section 1130.140, in the definition of "Certified" or "Certification", change the statutory citation from "(42 U.S.C.A 1395x)" to "(42 USCA 1395x)".

Section 1130.140, in the definition of "Control", change the statutory citation of the Securities Act of 1933 from "Section 2(1) of the Securities Act of 1933" to "Section b(a)(1) of the Securities Act of 1933 (15 USC 77b(a)(1))".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rule will address the public policy issue that development of excess or unnecessary surgical capacity in Illinois could result in increased health care costs being passed on to consumers and also adversely impact existing health care facilities by reducing their surgical utilization and volume. Since substantial capital

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has been invested in surgery suites by both hospitals and ambulatory surgical treatment centers, the Health Facilities Planning Board's adopted amendment is intended to prevent unnecessary proliferation of surgical capacity by requiring that expansion of surgical capacity outside the licensed premises of a health care facility be justified by obtaining a certificate of need.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald Jones
 Address: Health Facilities Planning Board
 Division of Facilities Development
 525 West Jefferson, 2nd Floor
 Springfield, Illinois 62761
 Telephone: 217-782-3516
 Fax: 217-785-4308
 TTY (for hearing impaired only): 800-547-0466
 E-mail: djones1@dph.state.il.us

The full text of the adopted amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD

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TITLE 77: PUBLIC HEALTH
 CHAPTER II: HEALTH FACILITIES
 PLANNING BOARD
 SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section
 1130.110 Statutory Authority/Applicability
 1130.120 Public Hearings
 1130.130 Purpose
 1130.140 Definitions
 1130.150 Incorporated Materials

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section
 1130.210 Persons Subject to the Act
 1130.220 Necessary Parties to the Application for Permit or Exemption

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section
 1130.310 Transactions Subject to Review

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section
 1130.410 Transactions Which Are Exempt from Review

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section
 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
 1130.520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility
 1130.530 Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
 1130.540 Requirements for Exemptions Involving Discontinuation
 1130.541 Requirements for Exemptions for Combined Facility Licensure
 1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs
 1130.543 Requirements for Exemptions for Outpatient Diagnostic and Treatment Centers

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1130.550 Agency Processing of an Application for Exemption
 1130.560 State Board Action
 1130.570 Validity of an Exemption

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section
 1130.610 Duration of the Review Period and Time Frames
 1130.620 Consultation, Classification and Completeness Review
 1130.630 Agency Actions During the Review Period
 1130.640 Extension of the Review Period Prior to Initial State Board Action
 1130.650 Modification of an Application
 1130.660 Approval of an Application
 1130.670 Notice of Intent-to-Deny an Application
 1130.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section
 1130.710 Validity of Permits
 1130.720 Authorization to Obligate and Obligation
 1130.730 Extension of the Obligation Period
 1130.740 Renewal of a Permit
 1130.750 Alteration of a Project for which a Permit Has Been Issued
 1130.760 Semi-Annual Progress Reports
 1130.770 Project Completion, Final Realized Costs and Cost Overruns
 1130.780 Revocation of a Permit
 1130.790 Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and the State Board's Rules

SUBPART H: DECLARATORY RULINGS

Section
 1130.810 Declaratory Rulings

APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26,

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1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. ~~3753~~ 5 effective ~~JUL -9 1999~~.

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section 1130.140 Definitions

Definitions pertaining to program components can be found in the Act and in 77 Ill. Adm. Code 1100 and 1110. Definitions which will assist in the understanding of this Part are presented below.

"Alteration" means any revision or change to a project as detailed in the application that occurs after State Board issuance of the permit. The site of the proposed project or the person(s) who is (are) the permit holder cannot be altered.

"Applicant" means a person(s) as defined in the Illinois Health Facilities Planning Act [20 ILCS 3960/3] who applies for a permit or exemption to construct or modify a health care facility or to acquire major medical equipment. See 77 Ill. Adm. Code 1130.220 to determine what parties are necessary for an application.

"Authorization to Obligate" means a permit holder is authorized by the State Board or Illinois Department of Public Health (IDPH) to proceed with the project approved by the State Board, and that the project has been found to be in conformance with the provisions of Section 1130.720. All projects, except no cost projects for discontinuation, are required to obtain an authorization to obligate.

"Capital Expenditure" means an expenditure made by or on behalf of a health care facility (as such a facility is defined in the Act), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under the Act shall be considered capital

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expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation per Section 1130.310.

"Certified" or "Certification" means approval for a facility to receive reimbursement under Title XVIII and/or XIX of the Social Security Act (42 USCA U-S-G-A 1395x).

"Change of Ownership" means a change in the person who has operational control of an existing health care facility or a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, acquisition, leases, change of sponsorship or other means of transferring control. Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

for facilities not subject to licensing, the issuance of a provider number to a different person by certification agencies that administer Titles XVIII and XIX of the Social Security Act; or

a change in the membership or sponsorship of a not-for-profit corporation or a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls a health care facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to licensing) to operate, or who owns the physical plant and capital

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assets of a governmental health care facility; or any other transaction that results in a person obtaining control of a health care facility's operations or physical plant and capital assets including leases.

"Completion" or "Project Completion" means that the project has been brought to a conclusion, and that the State Board has determined that the finished project is or is not in accordance with what the State Board authorized, and that a project completion date has been established by the State Board (see Section 1130.770 for further information on Project Completion).

For projects that have documented compliance with the provisions of the permit as authorized by the State Board, the date of project completion is:

for projects with no cost that are limited to total discontinuation of a facility or of a category of service, the date the last patient is discharged or the date the permit for discontinuation is issued whichever comes later; or

for projects with no cost that are limited to a substantial change in beds in licensed long-term care facilities, the date the Agency issues a revised license; or

for projects with no cost that are limited to a substantial change in beds in licensed hospitals or in state-operated facilities, the date the Agency receives a revised physical plant survey or the date of permit issuance which ever is later; or

for projects limited to the establishment of a category of service, the date the first patient is treated or the date the Agency receives a report of final realized cost, whichever is later; or

for projects limited to the establishment of a health care facility, the date the health care facility is licensed or the date the Agency receives a report of final realized cost, whichever is later; or

for projects limited to the acquisition of major medical equipment, the date IDPH receives a report of final realized costs or the date the equipment is utilized to treat the first patient, whichever is later; or

for projects limited to the addition of end-stage renal dialysis stations and for projects, with a cost, that are limited to the

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addition of beds, the date the first patient is treated or the date IDPH receives a report of final realized cost, whichever is later; or

for all other projects including modernization of existing facilities, the date the Agency receives a report of final realized costs; or

for projects that the State Board has found not in compliance with the provisions of the permit as authorized by the State Board, including projects with cost overruns, the date of project completion is the date established by the State Board.

"Consolidation" means the combination of two or more existing health care facilities into a new health care facility terminating the existence of the existing or original facilities (A + B = C). Consolidation results in the establishment of a health care facility within the meaning of the Act and in the discontinuation of the existing facilities, resulting in termination of license for facilities subject to licensure or the loss of certification for facilities not subject to licensure. In example, consolidation becomes reviewable only when a new facility with a new license will be established due to the consolidation. In this case the A and B facilities which consolidate are reviewed for discontinuation and the new licensed facility C is reviewed for establishment. It is this discontinuation and establishment which creates the need for review.

"Control" means a person possesses any of the following discretionary and non-ministerial rights or powers:

the right or power to approve and to remove without cause a controlling portion of the governing body of another person; or

the right or power to require or approve the use of funds or assets of another person for any purpose; or

the right or power to approve, amend, or modify the health care facility's by-laws or other rules of governance.

A person may control one or more other person(s). For the purpose of this definition, "governing body" means:

with respect to a corporation having stock, such corporation's board of directors and the owners, directly or indirectly, of more than 50% of the securities (as defined in Section b(a)(1) of the Securities Act of 1933 (15 USC 77b(a)(1)) of any class or classes, the holders of which are ordinarily, in the absence of contingencies, entitled to elect a majority of the corporation's

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directors (both of which groups shall be considered a governing body);

with respect to a not for profit corporation not having stock, such corporation's members if the members have complete discretion to elect the corporation's directors, or the corporation's directors if the corporation's members do not have such discretion; and

with respect to any other entity, its governing board or body.

For the purposes of this definition, all references to directors and members shall be deemed to include all persons or entities performing the function of directors or members, however denominated.

A controlling person or entity indirectly controls all persons or entities controlled, or owned directly or indirectly, by any person or entity controlled by such controlling person or entity.

"Construction" or "Modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum. [20 ILCS 3960/3]

"Discontinuation" means to cease operation of an entire health care facility or category of service. Discontinuation includes a determination by the State Board that:

a category of service has not been utilized for its intended purpose for a period of twelve months or more; or

a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, by the end of the second year of operation after project completion and on average for any two-year period thereafter (based upon data reported by the facility to IDPH pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service; or

an existing category of service is not operating at utilization

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standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to IDPH pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

"Due Diligence" means to take such actions toward the completion of a project for which a permit has been granted with that diligence and foresight which persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause which cannot be avoided by the exercise of due diligence in the meaning of this rule is a cause which reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

"Establish" or "Establishment" means the construction of a new health care facility, the licensing of unlicensed building(s) or structure(s) as a health care facility, the replacement of an existing health care facility on another site, or the development, licensing, or certification (if licensing is not applicable) of a category of service.

"Existing Health Care Facility" means any health care facility or any person or organization that owns or operates a health care facility subject to the Act that:

has a license issued by IDPH and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH; or

is certified under Titles XVIII or XIX of the Social Security Act; or

is a facility operated by the State of Illinois.

AGENCY NOTE: Projects for which permits have been granted but which are not complete as defined in this Section shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities maintained by IDPH and shall be counted against any applicable need estimate.

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"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction, or acquisition.

"Final Decision" or "Final Administrative Decision" or "Final Determination" means:

the decision by the State Board to approve or deny an application for permit. Action taken by the State Board to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or

the decision by the State Board on all matters other than the issuance of a permit; or

the decision is final at the close of business of the State Board meeting at which the action is taken.

"Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles that have been incurred to complete a project for which a permit was granted. These costs include all expenditures and the dollar or fair market value of any component of the project whether acquired through lease, donation or gift.

"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities; and

Modernization projects whose cost is in excess of \$1,000,000 or ten percent of the facility's operating revenue, whichever is less. [20 ILCS 3960/5]

"Major Medical Equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 USCA 426-6-A-1395x) to meet the requirements of paragraphs (10) and (11) of Section 1861(S) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the

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acquisition of such equipment shall be included. [20 ILCS 3906/3]

"Merger" means the absorption of one or more existing health care facility into another existing health care facility. The result of the absorption is that only one facility survives ($A + B = B$). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

"Modification of an Application" or "Modification" means any change to a proposed project during the review period (i.e., prior to final State Board action) which results in changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, the configuration of space within the building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

AGENCY NOTE: A change of site to a site outside the planning area originally identified in the application is not considered a modification and invalidates the application.

"Notification of State Board Action" means the transmittal of State Board decisions to the applicant or permit holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

"Obligation" means receipt by the Executive Secretary, subsequent to the issuance of an authorization to obligate, of a notarized certification by an officer of the permit holder that attests to one of the following:

that the project has no cost and has been completed; or

that the permit holder has executed those binding enforceable contracts or lease agreements (previously reviewed by IDPH) in an amount that exceeds the capital expenditure or major medical equipment review threshold (as applicable) or that is equal to or greater than 33 percent of the permit amount, whichever is less; affirmed that the financial resources to fund the project are available or committed; and affirmed that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved. Financial commitment or availability of financial resources can be shown by a statement from a financial institution or other lender indicating that funding will be

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provided; or

that the project is to be done internally by the permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an amount exceeding the capital expenditure minimum, whichever is less; that the financial resources to fund the project; and that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved. Financial commitment or availability of financial resources can be shown by a statement from a financial institution or other lender indicating that funding will be provided.

AGENCY NOTE: Prior to signing principal contracts or otherwise obligating the project, all permit holders, except those with permits for no cost discontinuation projects, are required to obtain an authorization to obligate pursuant to Section 1130.720. Projects that are contingent upon permit issuance (meaning authorization to obligate and obligation are approved at the time of permit issuance) are not required to receive an authorization to obligate or obligation from the State Board to commence a project.

"Operational" means that a permit holder is providing the service(s) approved by the State Board and, for a new health care facility or a new category of service, licensure or certification has been obtained and residents/patients are utilizing the facility or equipment or receiving service.

"Project Commitment Date" means the date the permit holder executes binding enforceable contracts to expend an amount which exceeds the capital expenditure minimum or at least 33 percent of the permit amount, whichever is less. For projects not undertaken by contract, the project commitment date is the date the permit holder's governing body authorizes or releases funds to expend an amount which exceeds the capital expenditure minimum or at least 33 percent or more of the permit amount, whichever is less. If a project has no cost the project commitment date is the date of project completion.

"proposal" or "Project" means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50 percent owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50 percent of the health care facility; or

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owns, directly or indirectly, at least 50 percent of the health care facility; or

is otherwise controlled or managed by one or more health care facilities or a person that controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

"Review Period" means the time from the date an application for permit is deemed complete until the State Board renders its final decision.

"Site" means the physical location of a proposed project and is identified by address or legal property description.

"Substantially Changes the Bed Count of a Health Care Facility" means construction or modification, including acquisition of equipment, which changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a two year period. (Section 5 of the Act) The two year period begins on the date when additional beds added to the facility inventory become operational. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add any more beds in those services affected by the permit for two years from the date that such beds become operational without obtaining an additional permit from the State Board. The facility may add beds (as long as the number added does not exceed 10 beds or 10% of the total facility capacity, whichever is less, over the two year period) in the other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of the facility, IDPH shall determine the date the two year period begins. The date shall be published in the next available compilation of the Inventory of Health Care Facility and Need Determinations by Planning Area.

AGENCY NOTE: The discontinuation (reduction) of beds requires notice to IDPH. The effective date of the bed reduction can be no earlier than the date of IDPH's receipt of the bed reduction notice. It should also be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the

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purpose or nature of the project or transaction. However, proposals for less than the capital expenditure minimum, including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means:

the addition or discontinuation of a category of service as defined in Part 1100.220;

discontinuation as defined in Section 1130.140;

a change of a material representation made by the applicant in the "Application for Permit" subsequent to receipt of a permit which is relied upon by the State Board in making its decision. Material representations are those which provide a factual basis for issuance of a permit and include:

withdrawal or non-participation in the Medicare and/or Medicaid programs;

charge information;

requirements of variances pursuant to 77 Ill. Adm. Code 1110;

other representations made to the State Board as stipulated in the permit letter;

the addition of a surgical specialty not previously approved by the State Board for an ambulatory surgical treatment center (ASTC) that has not been classified as a multi-specialty ASTC by the State Board in accordance with the provisions of 77 Ill. Adm. Code 1110.1540;

an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is granted for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit;

AGENCY NOTE: Section 1130.310 details the review requirements

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(or grandfathering) for kidney dialysis treatment center projects that were undertaken prior to March 1, 1995.

the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing outpatient surgical services on a site or location that is not within the licensed premises of the health care facility. Outpatient surgical services are those surgical procedures that are routinely performed in such settings as a hospital or ambulatory surgical treatment center, or in any room or area that is designed, equipped, and used for surgery, such as, but not limited to, a surgical suite or special procedures room. Outpatient surgical services do not include those procedures performed as part of a physician's private practice in examination or non-surgical treatment rooms.

AGENCY NOTE: All proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals from the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

(Source: Amended at 23 Ill. Reg. 7758 - 3, effective 10/1 - 9/1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Audit Requirements of DHS
- 2) Code Citation: 89 Ill. Adm. Code 507
- 3) Section Numbers: Emergency Action:
507.10 Emergency Amendment
- 4) Statutory Authority: Implementing and authorized by Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Amendments: June 24, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: June 24, 1999
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Department's current rule is not consistent with the audit requirements of other State agencies. The rule, as written, requires the contractor to meet a higher standard of reporting than would be required under this rulemaking. DHS is filing this rule as an Emergency so that less restrictive audit requirements can be implemented with the new contract year, FY2000, that begins July 1, 1999.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking will amend the Section regarding Audit Requirements for agencies contracting with DHS. This amendment excludes the funding received from other State Departments from the total amount of funding used to qualify the contractor for the various types of audit requirements. This change will make DHS rules consistent with those of other State agencies. This amendment will be less onerous on the contractors by reducing the reporting requirements.
- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 507

AUDIT REQUIREMENTS OF DHS

Section

507.10 Audit Requirements

EMERGENCY

AUTHORITY: Implementing and authorized by Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12154, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; adopted at 22 Ill. Reg. 22386, effective December 8, 1998; emergency amendment at 23 Ill. Reg. ~~7768~~, effective June 24, 1999, for a maximum of 150 days.

Section 507.10 Audit Requirements

EMERGENCY

- a) Each Provider receiving purchase of service or grant contract funding (Provider) from the Department of Human Services (Department) shall annually submit to the Department an independent audit report or revenue and expense data in a form prescribed by the Department, to enable the Department to perform fiscal monitoring and to account for the usage of funds paid to the Provider under Agreements with the Department. Providers subject to these requirements shall be notified by registered or certified letter no later than May 31 of the year of the contract. This letter shall contain detailed instructions related to independent audit requirements, including provisions for requesting waivers, modifications and filing extensions.
- b) If the Provider's combined purchase of service or grant contract funding for Department programs ~~and other State funding~~ is less than \$100,000, the Provider will be required to submit revenue and expense data in a form prescribed by the Department. Two copies shall be filed with the Department's Office of Contract Administration. The report shall be submitted within 120 days after the end of the Provider's fiscal year.
- c) If the Provider's combined purchase of service or grant contract funding for Department programs ~~and other State funding~~ is less than \$300,000 but \$100,000 or more greater, the Provider will be required to submit revenue and expense data in a form prescribed by the Department with an opinion from an Independent Certified Public Accountant. Two copies shall be filed with the Department's Office of Contract Administration. The report with an opinion shall be

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

submitted within 120 days after the end of the Provider's fiscal year.
d) If the Providers combined purchase of service or grant contract funding for Department programs and other State funding is \$300,000 or more greater, the Provider shall be required to submit an independent audit report and revenue and expense data in a form prescribed by the Department. For Providers required to submit an independent audit report, the basic requirements are:

- 1) The audit shall be conducted by a Certified Public Accountant or Certified Public Accounting Firm licensed in the State of Illinois;
- 2) The audit report shall include the financial statements prescribed by the Financial Accounting Standards Board for Not-For-Profit Organizations not-for-profit organizations, or the Governmental Accounting Standards Board for Governmental Entities governmental entities, as appropriate;
- 3) The audits shall be conducted in accord with the "single audit" requirements and standards when the Provider receives or expends Federal funds that cumulatively exceed the Federal threshold. These requirements are detailed in Federal OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations"; and
- 4) The report shall be submitted within 120 days after the end of the Provider's fiscal year. Two copies of any reports prepared in accordance with Federal OMB Circular A-133 shall be filed with the Department's Office of Contract Administration. Any request for an extension of time to file an independent audit report or supplemental revenue and expense data shall be submitted to the Department's Manager of the Office of Contract Administration. The Manager of the Office of Contract Administration shall respond in writing to each such request within 14 days after it is received by the Office of Contract Administration.
- e) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Manager of the Office of Contract Administration. Such requests shall be approved only when convincingly justified. The Department's Manager of the Office of Contract Administration shall respond in writing to each request for exception within 14 days after it is received by the Office of Contract Administration.
- f) Audit requirements may shall be waived by the Manager of the Office of Contract Administration when it is deemed to be in the interest of the State of Illinois or when it enhances the operating efficiency of the State. A written determination for the waiver shall be maintained by the Office of Contract Administration.
- g) Failure to meet the these audit requirements contained in this Section shall result in the suspension of funding.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 2768 effective June 24, 1999, for a maximum of 150 days)

ILLINOIS RACING BOARD
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Numbers: Emergency Action:
300.40 Amendment
300.60 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: June 28, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Emergency amendments shall expire upon adoption of rulemaking proposed through regular process.
- 7) Date Filed with the Index Department: June 25, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Senate Bill 1017, which was signed by Governor Ryan on June 25, 1999, in part, removes the limitation on advanced wagering and the Board's authority to regulate pari-mutuel wager prices. These amendments remove current language which deals with the 48 hour advanced wagering limitations and requires minimum pari-mutuel wager prices.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendment to Section 300.40 is a result of the amendment to Section 26(a) of the Act, which removes the 48 hour limitation of advanced wagering. The emergency amendment to Section 300.60 is a result of the amendment to Section 20.1 of the Act, which limits the Board's authority to require minimum pair-mutuel prices.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this emergency shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

The full text of the emergency amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 300
 PARI-MUTUELS

Section

300.10 General

300.20 Records

300.30 Pari-Mutuel Tickets

300.40 Pari-Mutuel Wagers

EMERGENCY

300.50 Pari-Mutuel Races

300.60 Advanced Wagering

EMERGENCY

300.70 Scratches or Non-Starter

300.80 Pools Dependent Upon Betting Interests

300.90 Minimum Payoff

300.100 Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 7044, effective May 1, 1998; emergency amendment at 23 Ill. Reg. effective June 28, 1999, for a maximum of 150 days.

~~300.40~~
~~300.40~~

Section 300.40 Pari-Mutuel Wagers

EMERGENCY

- a) ~~The minimum pari-mutuel wager for win, place or show shall be \$2 unless otherwise approved by the Board. The minimum pari-mutuel wager for all other pools shall not exceed \$3, nor be less than \$1, unless otherwise approved by the Board.~~
- ab) All organization, intertrack and intertrack wagering location licensees shall offer the same types of pari-mutuel pools and minimum pari-mutuel prices at both manned and unmanned terminals, unless specifically restricted by Board rule (e.g., tickets may not be exchanged at unmanned ticket issuing machines).
- b) ~~et~~ All intertrack wagering facilities shall establish and maintain minimum purchase prices of pari-mutuel wagers that are the same as those offered by the organization licensee providing the simulcast.
- c) ~~et~~ All organization licensees shall require out-of-state wagering

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

facilities to maintain the same minimum purchase prices of pari-mutuel wagers established for Illinois licensees. If it is determined that an out-of-state wagering facility has not maintained the same minimum purchase price of pari-mutuel wagers, the organization licensee shall be subject to civil penalties pursuant to Section 5/9(1) of the Act [230 ILCS 5/9(1)]. This Section shall apply only to organization licensees conducting commingled or combined wagering pools with out-of-state wagering facilities.

- d) All intertrack wagering facilities shall offer the same pari-mutuel pools as offered by the organization providing the simulcast.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. ~~7772~~ effective June 28, 1999, for a maximum of 150 days)

Section 300.60 Advanced Wagering**EMERGENCY**

- a) A licensee may permit advanced wagering on races ~~up-to-two-days~~ prior to the day the race occurs.
 b) The host track and/or organization licensee shall submit to the State Pari-Mutuel Auditor a totalizator system report reflecting any advanced wagers from previous days to be added to that day's pari-mutuel pools.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. ~~7772~~ effective June 28, 1999, for a maximum of 150 days)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Race Track Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Numbers: Emergency Action:
1305.380 Added
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: June 28, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Emergency amendment shall expire upon adoption of rulemaking proposed through regular process.
- 7) Date filed with the Index Department: June 25, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for the Emergency: Senate Bill 1017, which was signed by Governor Ryan on June 25, 1999, in part, allows each organization to change its hours of operation upon notice to the Board.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency amendment is a result of the amendment to Section 20.1 of the Act which allows an organization licensee to change its hours of operation upon notice to the Board. This rulemaking establishes written notice of change and filing requirements.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this emergency amendment shall be directed to:
 Illinois Racing Board
 Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601

The full text of the emergency amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305

RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judge's Stand
1305.190	Driver's Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System
1305.320	Admissions
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change in Hours of Operation

EMERGENCY

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. ~~2256~~ ²²⁷⁰, effective June 28, 1999, for a maximum of 150 days.

Section 1305.380 Notification of Change in Hours of Operation
EMERGENCY

Each organization licensee shall have the authority to change its hours of operation if such hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. ~~2270~~ ²²⁷⁰, effective June 28, 1999, for a maximum of 150 days)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Numbers: Emergency Action:
1424.360 Added
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: June 28, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Emergency amendment shall expire upon adoption of rulemaking proposed through regular process.
- 7) Date Filed With the Index Department: June 25, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Senate Bill 1017, which was signed by Governor Ryan on June 25, 1999, in part, allows each organization to change its hours of operation upon notice to the Board.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency amendment is a result of the amendment to Section 20.1 of the Act which allows an organization licensee to change its hours of operation upon notice to the Board. This rulemaking establishes written notice of change and filing requirements.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The full text of the emergency amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1424

REGULATIONS FOR MEETINGS

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	Admissions to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1424.355 Stall Availability Prior to Meet
1424.360 Notification of Change in Hours of Operation
EMERGENCY

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. ~~7779~~ effective June 28, 1999, for a maximum of 150 days.

Section 1424.360 Notification of Change in Hours of Operation
EMERGENCY

Each organization licensee shall have the authority to change its hours of operation if such hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. ~~7779~~ effective June 28, 1999, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 FIRST QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
 Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 1999. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifi-
Allocation	cations, Fringe Benefits,
(For Alternative Apportionment	Subtraction Modifications)
Rulings, See that heading)	Books and Records
Alternative Apportionment	Bulk Sales: See Sales
Amnesty	Outside the Ordinary Course
Apportionment	of Business (Bulk Sales)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 FIRST QUARTER SUNSHINE INDEX

Financial Organizations
Insurance Companies
Payroll Factor

(Also See Subtraction Modifications)
- Valuation Limitations)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensations
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax
Paid
Credit for Residential Real
Property Taxes

Enterprise Zone Investment
Foreign Tax
High Impact Business
Investment

Jobs Tax
Replacement Tax Investment
Research and Development
Training Expense
Other Rulings
(Not Included Above)
Deficiencies
Definitions
Domestic International Sales
Corporations (DISCs)
Elections: See Combined
Unitary Return, Extensions,
Unitary

Enterprise Zones
(Also See Credits, Subtraction
Modifications)
Erroneous Refund: See Refunds
Estates

Business Income
Capital Gains (Losses)

Farmers: See Estimated Tax
Federal Returns
Fiduciaries
Financial Organizations: See
Apportionment
Foreclosure
Foreign Sales Corporations
(FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See
Subtraction Modifications,
Credits--Jobs Tax

Forms
Fraud: See Penalties
Fringe Benefits
IRC S125 "Cafeteria Plans
IRC S401(k) Plans
Other Rulings (Not Included
(Above)
Gain (Loss): See Capital Gains
(Losses): Valuation Limitation
Information Reports
Insurance Companies: See Apport-
tionment
Interest Income
(Also See Addition Modifications,
Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC S338
Jeopardy: See Assessment
Judicial Review
Liens
Limited Liability Companies
Lottery
Military
(Also See Subtraction Modifications)

Miscellaneous
Modification Addition: See Addition
Modifications
Modification Subtraction: See Sub-
traction Modifications

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 FIRST QUARTER SUNSHINE INDEX

Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
(Also See Base Income, Capital
Gains (Losses), Combined Unitary
Returns, Net Operating Loss and Net
Operating Loss Deduction)
Net Operating Loss and Net Operating
Loss Deduction
Nexus: See Public Law 86-272/Nexus
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Residency/Nonresidency
Notice and Demand: See Notices
Notices
Nuclear Decommissioning
Trusts
Overpayments: See Refunds
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Payments:
Payroll Factor: See Apportionment
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Failure to File (IITA S1001)
Failure to File Withholding
Returns (IITA S1004)
Failure to Pay (IITA S1002)
Failure to Pay Estimated Tax
(IITA S804)
Fraud (IITA S1002)
Reasonable Cause (IITA S1001)
Underpayment of Tax (IITA S1005)
Other Rulings
(Not Included Above)
Pensions
(Also See Subtraction Modifications)
Political Organizations
Professional Athletes
Property Factor: See Apportionment
Property Tax: See Subtraction Modifi-
cations
Protest
Public Law 86-272/Nexus
Rate of Tax

Mutual Funds: See Subtraction Modifi-
fications
Net Income (Loss) and Net Loss
Deduction (IITA S207)
Other Rulings
(Not Included Above)
Regulated Investment Companies
Replacement Tax
(Also See Credits)
Requirements of Requests for
General Information Letters
Requirements of Requests for
Private Letter Rulings
Residency/Nonresidency
Returns
(For Combined Unitary Return and
Composite Return Rulings, See
Those Headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(Not Included Above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course
of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative
Apportionment
Signature
Specific Accounting
Statute of Limitations: See Assess-
ment, Collection, Deficiencies
Refunds
Subtraction F Income: See Sub-
traction Modifications
Subtraction Modifications
Modifications
Subtraction Modifications
Bond Premium Amortization
Enterprise and Foreign Trade
Zones
Illinois Tax Refund
Interest on U.S. Government Obli-

DEPARTMENT OF REVENUE

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1999 FIRST QUARTER SUNSHINE INDEX

Real Estate Investment Trusts gations
Reasonable Cause: See Penalties Military
Refunds (Also See Subtraction Modifi- Money Market Mutual Funds
cations) Unitary
(Also See Combined Unitary Return)
Statute of Limitations U.S. Government Obligations: See
Qualified Pension Plans Subtraction Modifications
Real Estate Taxes Valuation Limitation: See Sub-
Subpart F Income traction Modifications
Transportation Services Voluntary Disclosure Agreements
Valuation Limitation Waiver on Assessments: See Assess-
Other Rulings ment
(Not Included Above) Withholding
Taxability in Other States Employee Benefits
Taxable year Exemptions
Transferees (Also See Sales Outside the Ordinary Personal Service Contracts
Course of Business (Bulk Sales)) (IITA SL405.2)
Transportation Services: See Appor- Reciprocal Agreements
tionment Other Rulings
Trusts (Not Included Above)
Uniform Penalty and
Interest Act

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, and 1996 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 FIRST QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - OTHER RULINGS
IT 99-0004-GIL 01/06/1999 General Information Letter: No addition
modification is provided for benefits excluded from
federal adjusted gross income under IRC Section
132(f).

ALTERNATIVE APPORTIONMENT

IT 99-0009-GIL 01/12/1999 General Information Letter: Request to
use separate accounting not granted absent showing of
distortion by usual apportionment formula and
accuracy of separate accounting.

IT 99-0018-GIL 02/17/1999 General Information Letter: Petition to
use alternative apportionment formula must comply
with the requirements of 86 Ill. Admin. Code
100.3390.

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 99-0001-PLR 01/04/1999 Private Letter Ruling: Interest payments
made by wire transfer are received at the location of
the bank in which deposited into an account of the
recipient.

APPORTIONMENT - PAYROLL FACTOR

IT 99-0033-GIL 03/24/1999 General Information Letter: In order for
compensation of a nonresident to be paid in this
State, some services must be performed in this State.

APPORTIONMENT - SALES FACTOR

IT 99-0022-GIL 03/05/1999 General Information Letter: Gross
revenues are included in the Illinois numerator of
the sales factor if the greater portion of the
income-producing activity is performed within the
State.

BASE INCOME

IT 99-0025-GIL 03/05/1999 General Information Letter: Items of

DEPARTMENT OF REVENUE

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income included in or excluded from gross income for federal income tax purposes are similarly included or excluded from base income unless a specific addition or subtraction modification applies.

CREDITS

IT 99-0008-GIL 01/07/1999 General Information Letter: No credit is allowed for repayment of claim-of-right income, but subtraction modification is allowed for amounts used to compute credit under IRC Section 1341.

CREDITS - FOREIGN TAX

IT 99-0026-GIL 03/05/1999 General Information Letter: Capital gain deducted in the computation of Wisconsin taxable income is not subject to double taxation.

CREDITS - PROPERTY TAX

IT 99-0032-GIL 03/22/1999 General Information Letter: Taxpayer must be owner of the residential property in order to claim credit for property taxes paid.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 99-0016-GIL 02/05/1999 General Information Letter: Property owned by leasing company is not "qualified property" because the owner is not a retailer.

ESTIMATED TAX

IT 99-0002-GIL 01/05/1999 General Information Letter: Computation of estimated tax and petition for waiver of failure to pay penalty.

EXEMPT ORGANIZATIONS

IT 99-0012-GIL 01/19/1999 General Information Letter: Exempt organizations are taxed by Illinois only on unrelated

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business taxable income.

IT 99-0013-GIL 01/19/1999 General Information Letter: Exempt organizations are taxed by Illinois only on unrelated business taxable income.

IT 99-0027-GIL

03/12/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0030-GIL

03/19/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0034-GIL

03/29/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0035-GIL

03/29/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0036-GIL

03/29/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0037-GIL

03/29/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

IT 99-0038-GIL

03/29/1999 General Information Letter: Organizations exempt from federal taxation under IRC 501(a) are exempt from Illinois income tax except to the extent they have unrelated business taxable income.

MISCELLANEOUS

IT 99-0031-GIL 03/22/1999 General Information Letter: Donations to the Do-It-Yourself School Funding Fund are

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distributed to elementary and high school districts.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 99-0001-GIL 01/05/1999 General Information Letter: Individual net operating loss deductions are not adjusted.

IT 99-0015-GIL 02/04/1999 General Information Letter: Partnership is entitled to carry forward Illinois net loss deduction.

IT 99-0020-GIL 02/23/1999 General Information Letter: Individuals are not entitled to net loss carryforwards under IITA Section 207.

PENSIONS

IT 99-0007-GIL 01/07/1999 General Information Letter: Responses to questions on tax treatment of contributions to and payments from pension plans.

PUBLIC LAW 86-272/NEXUS

IT 99-0010-GIL 01/12/1999 General Information Letter: No opinion on whether taxpayer has nexus and income tax liability with Iowa.

REFUNDS

IT 99-0017-GIL 02/11/1999 General Information Letter: Offset of joint return overpayment against Retailers' Occupation Tax liability of husband was not shown to be improper.

RETURNS - REQUIREMENTS TO FILE

IT 99-0023-GIL 03/05/1999 General Information Letter: An Illinois resident with sufficient net income to generate an income tax liability is required to file a return.

IT 99-0024-GIL 03/05/1999 General Information Letter: An Illinois

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resident with sufficient net income to generate an income tax liability is required to file a return.

S CORPORATIONS

IT 99-0006-GIL 01/06/1999 General Information Letter: Apportionment of business income by Subchapter S corporations.

IT 99-0014-GIL 01/28/1999 General Information Letter: Apportionment of business income by Subchapter S corporations.

IT 99-0028-GIL 03/18/1999 General Information Letter: A subchapter S corporation and its qualified subchapter S subsidiary are treated as a single subchapter S corporation.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 99-0029-GIL 03/18/1999 General Information Letter: U.S. government obligation interest earned by a partnership and included in the adjusted gross income of a partner may be subtracted by the partner.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 99-0003-GIL 01/05/1999 General Information Letter: No subtraction modification is allowed unless expressly provided by statute.

IT 99-0008-GIL 01/07/1999 General Information Letter: No credit is allowed for repayment of claim-of-right income, but subtraction modification is allowed for amounts used to compute credit under IRC Section 1341.

UNITARY

IT 99-0021-GIL 03/01/1999 General Information Letter: Taxpayers using different apportionment formulas under IITA Section 304 may not be members of the same unitary business group.

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WITHHOLDING - OTHER RULINGS

- IT 99-0005-GIL 01/06/1999 General Information: Response to request for general information on withholding.
- IT 99-0011-GIL 01/14/1999 General Information Letter: Determination of whether person is an employee or independent contractor is made by the IRS.
- IT 99-0019-GIL 02/16/1999 General Information Letter: Withholding is not required on payments of prizes in sporting contests.

COMPTROLLER MERIT COMMISSION

JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

- A) Description of Commission's Powers and Duties: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.
- B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].
- C) Schedule of regular meetings: July 15, 1999; August 19, 1999; September 16, 1999; October 21, 1999; November 18, 1999; December 16, 1999.
- D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes at this time. However, any future changes will be discussed at the meetings listed above.
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Marylou Lowder Kent, Chair
 Comptroller Merit Commission
 325 West Adams Street
 Springfield, IL 62704-1858
 (217)785-1127
- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JULY 1999 REGULATORY AGENDA

- a) Part: School Construction Program; 23 Ill. Adm. Code 151

1) Rulemaking:

A) Description: Provisions will be added to Part 151 in response to enactment of the new maintenance grant program in P.A. 91-38.

B) Statutory Authority: 105 ILCS 230/5-100

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: July 23, 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information:

- b) Part: Electronic Transfer of Funds; 23 Ill. Adm. Code 155

1) Rulemaking:

A) Description: Part 155 needs to be amended to incorporate some changes initiated by the Comptroller with regard to the system of electronic fund transfers.

B) Statutory Authority: 105 ILCS 5/2-3.116

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 1, 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

STATE BOARD OF EDUCATION

JULY 1999 REGULATORY AGENDA

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information:

- c) Part: Truants' Alternative and Optional Education Programs; 23 Ill. Adm. Code 205.

1) Rulemaking:

A) Description: These rules will be updated to reflect several suggestions made by the responsible staff members regarding the operation of this program.

B) Statutory Authority: 105 ILCS 5/2-3.66

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: December 3, 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information:

- d) Part: Secular Textbook Loan; 23 Ill. Adm. Code 350

1) Rulemaking:

A) Description: Various provisions of this Part will be revised to ensure that students in charter schools are able to participate in this program.

B) Statutory Authority: 105 ILCS 5/18-17

STATE BOARD OF EDUCATION

JULY 1999 REGULATORY AGENDA

C) Scheduled meeting/hearing date: To be announcedD) The agency anticipates First Notice: November 12, 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information:

e) Part: Procurement by the State Board of Education; 44 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: The agency's procurement rules will be amended to include material on concessions and to provide for adjusting the small purchase maximum.

B) Statutory Authority: 30 ILCS 500/1-30

C) Scheduled meeting/hearing date: To be announcedD) Date agency anticipates First Notice: November 12, 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information:JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 21, 1999 through June 28, 1999 and have been scheduled for review by the Committee at its July 20, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/5/99	Pollution Control Board, Permits (35 Ill Adm Code 309)	3/26/99 23 Ill Reg 3573	7/20/99
8/5/99	Pollution Control Board, Water Quality Standards (35 Ill Adm Code 302)	3/26/99 23 Ill Reg 3586	7/20/99
8/5/99	Pollution Control Board, Introduction (35 Ill Adm Code 301)	3/26/99 23 Ill Reg 3563	7/20/99
8/6/99	Office of the Attorney General, Attorney General's Procurement (44 Ill Adm Code 1300)	4/30/99 23 Ill Reg 5204	7/20/99
8/6/99	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	5/7/99 23 Ill Reg 5300	7/20/99
8/7/99	Department of Human Services, Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258)	4/16/99 23 Ill Reg 4363	7/20/99
8/7/99	Department of Human Services, Administrative Law Judges (2 Ill Adm Code 1027)	4/16/99 23 Ill Reg 4349	7/20/99
8/7/99	Department of Human Services, WIC Vendor Management Code (77 Ill Adm Code 672)	4/16/99 23 Ill Reg 4365	7/20/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/7/99	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	4/30/99 23 Ill Reg 5224	7/20/99
8/7/99	Department of Human Services, Administrative Hearings (89 Ill Adm Code 508)	4/16/99 23 Ill Reg 4347	7/20/99
8/7/99	Department of Human Services, Recovery of Misspent Funds (89 Ill Adm Code 527)	4/16/99 23 Ill Reg 4359	7/20/99
8/7/99	Department of Human Services, Repeal of Rules of Practice and Procedure in Administrative Hearings (77 Ill Adm Code 2000)	4/16/99 23 Ill Reg 4361	7/20/99
8/7/99	Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill Adm Code 2060)	4/16/99 23 Ill Reg 4351	7/20/99
8/11/99	Illinois Housing Development Authority, Affordable Housing Program (47 Ill Adm Code 360)	4/23/99 23 Ill Reg 4579	7/20/99

EXECUTIVE ORDERS

99-10

EXECUTIVE ORDER CREATING ENVIRONMENT AND
NATURAL RESOURCES LEADERSHIP CABINET

WHEREAS, each and every citizen of the State of Illinois is entitled to a safe and healthful environment and the protection and conservation of Illinois' irreplaceable natural resources; and

WHEREAS, Illinois must promote the conservation of natural resources and encourage public recreation opportunities to enhance the quality of life, prosperity and general welfare of the People of Illinois; and

WHEREAS, environment and natural resources progress in Illinois and the protection of our environment and natural resources for future generations will depend largely on effective State Government stewardship and consensus-building; and

WHEREAS, because of the varied missions and responsibilities of a number of State agencies with programs and policies that affect the environment and natural resources of Illinois, effective State Government demands a renewed and strengthened commitment to a fully coordinated and integrated decision-making process that will lead to better informed decisions, and to the establishment of long-range goals, strategies and programs which will balance the vitally important needs of the State's environment and natural resources, and the Illinois economy;

THEREFORE, I George H. Ryan, hereby order the following:

1. There is created an Environment and Natural Resources Leadership Cabinet, headed by the Senior Advisor to the Governor on Environment and Natural Resources.
2. Environment and Natural Resources Cabinet Members shall include as permanent members: the Directors of the Department of Natural Resources, Environmental Protection Agency, Department of Agriculture, Department of Nuclear Safety and Department of Commerce and Community Affairs; and the Secretary of the Department of Transportation. The Cabinet may seek the ad hoc participation of other State departments, agencies, boards and commissions as necessary or appropriate.
3. The Lieutenant Governor may appoint a representative to participate in Cabinet discussions and deliberations in order to assure coordination of actions and policies regarding the Illinois River Coordinating Council and other economic, environmental and natural resources initiatives of that Office.
4. The objectives of the Cabinet will include, but not be limited to, coordination of key decisions impacting Illinois' environment and natural resources, development of natural resource and environmental principles that consider all of Illinois' identification and maximization of State, federal and private sources of assistance and support; and the delivery of quality services and the enhancement of the quality of life available to the People of Illinois.
5. The Cabinet is encouraged to seek public input, pursue public-private partnerships and promote community-based planning on key issues affecting protection, conservation, enjoyment and use of the State's environment and natural resources.
6. The Environment and Natural Resources Leadership Cabinet shall meet at

EXECUTIVE ORDERS

least monthly.

7. This Executive Order shall be effective immediately.
Issued by the Governor April 21, 1999.
Filed with the Secretary of State April 21, 1999.

99-11

**EXECUTIVE ORDER CREATING
THE GOVERNOR'S OFFICE OF LITERACY**

WHEREAS, an estimated four of every ten adults in Illinois lack the basic literacy skills to function in today's workplace;

WHEREAS, literacy skills are essential to assure quality of life, educational achievement and workforce opportunities;

WHEREAS, parents need good reading skills to help them help their children succeed in school;

WHEREAS, there is a series of Illinois literacy initiatives in State education agencies and other State and local governments which will be strengthened through more collaboration and cooperation; and

WHEREAS, while Illinois businesses, community based organizations, libraries and schools have made inroads in reducing illiteracy in Illinois, there is still work to be accomplished towards our goal;

THEREFORE, I George Ryan, order the following:

1. There shall be established the Governor's Office on Literacy to be headed by a statewide literacy coordinator.
2. The office will have responsibility for the coordination of literacy programs among the various State agencies and offices in order to maximize State and federal resources committed to reducing illiteracy in Illinois; to minimize duplication of effort; and to enhance literacy efforts at both the State and local level.
3. The Governor's Office on Literacy will be assisted by a Governor's Advisory Council on Literacy to be appointed by the Governor and not to exceed 20 members. Members will be representative of, but not limited to, education, libraries, community based organizations, literacy providers, researchers, business, State government and the public. Members shall serve without compensation but shall be reimbursed for expenses.
4. This Executive Order shall take effect immediately.
Issued by the Governor May 27, 1999.
Filed with the Secretary of State May 27, 1999.

99-12

**EXECUTIVE ORDER ESTABLISHING
THE ILLINOIS FEDERAL CLEARINGHOUSE**

WHEREAS, the Federal government provides numerous opportunities for Illinois State and local governments to receive technical and financial assistance that can improve the quality of service to the people of Illinois; and

WHEREAS, the method for receiving information about these opportunities may differ by State agency and program; and

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WHEREAS, Illinois colleges and universities may have considerable knowledge about available Federal assistance and also have an interest in learning about new opportunities; and

WHEREAS, private companies, philanthropic institutions, and other non-profit associations and organizations may have information about other forms of assistance that may be of value to Illinois State and local governments; and

WHEREAS, Illinois has consistently ranked low in comparison to other states in terms of Federal grant and procurement money received; and

WHEREAS, a climate exists today for the State to improve its performance; and

WHEREAS, better coordination and prioritization of our efforts in this area will lead to improved performance.

THEREFORE, I George H. Ryan, order the following:

There is created the Illinois Federal Clearinghouse headed by the Senior Advisor for Regulatory Affairs which shall be located within the Office of the Governor.

The purpose of the Clearinghouse shall be to improve the performance of Illinois State and local governments and Illinois private companies and non-profit organizations in receiving an appropriate share of Federal funding via grants to governments and other procurement opportunities. Specific functions shall include but not be limited to the following:

- Compiling information about assistance available from the Federal government, both technical and financial, beneficial to Illinois State and local governments.
- Serving as a central depository for similar information known by individual State agencies and Federal officials where the assistance could be of benefit to other State agencies or organizations in Illinois.
- Coordinating information about current projects in Illinois supported by national and regional philanthropic organizations that relate to Illinois State government activities.
- Assisting private companies, non-profit organizations, and Illinois institutions of higher education in gathering and sharing information about potential forms of assistance that could be beneficial to the particular needs of their organization and the broader needs of State government and the people of Illinois.
- Tracking performance of State agencies that receive and benefit from Federal funding opportunities and assisting State agencies in improving their performance.
- Sharing Clearinghouse information with as wide a range of sources as possible and encouraging as many sources to contribute information as possible.

Additional staffing for the Clearinghouse shall be provided by personnel in the Office of the Governor and other State agencies, as required. Coordination of efforts will be maintained with the Governor's Office of Statewide Performance Review, the Department of Commerce and Community Affairs, and the Illinois Commission on Intergovernmental Cooperation.

Each State agency will designate a single contact for the Clearinghouse, preferably the same contact chosen for the Statewide Performance Review, who

EXECUTIVE ORDERS

will have primary responsibility for both gathering information from their agency and for sharing information available to the agency with the Clearinghouse. However, access to the Clearinghouse shall not be limited to the State agency contact person, and each Department and Agency under my jurisdiction shall encourage their employees to contact the Clearinghouse with any information the employee believes may be relevant and useful to the Clearinghouse. I also encourage State legislators and their staffs, members of Congress and their staffs, and Federal agency employees to access and contact the Clearinghouse with information they believe to be useful or relevant to the Clearinghouse.

Additional organizations, such as Illinois universities and foundations, may be designated for participation in the Clearinghouse and may be asked to select primary contacts to fulfill the same functions as the primary contacts in each State agency.

The Clearinghouse will provide a majority of its information electronically and maintain a website that can be quickly accessed and easily used.

This Executive Order Number 12(1999) shall take effect immediately.

Issued by the Governor June 1, 1999.

Filed with the Secretary of State June 1, 1999.

PROCLAMATION

99-236

GATEWAY FOUNDATION DAY

WHEREAS, Gateway Foundation, a non-profit organization that has been providing treatment and prevention programs for alcohol and drug abuse since 1968, is observing its 30th anniversary; and

WHEREAS, Gateway Foundation has earned a national reputation for its effective programs and outstanding accomplishments in helping addicts return to the community as drug-free productive citizens; and

WHEREAS, last year, over 16,000 men, women and teens were helped through Gateway's treatment programs and 11,000 youth and families participated in Gateway's programs; and

WHEREAS, each year Gateway Foundation recognizes citizens for their leadership and dedications to their cause; and

WHEREAS, this year's event honors David B. Mathis, Chairman and CEO of Kemper Insurance Companies and a leader in Chicago's civic and philanthropic community, as the Citizen of the Year in recognition of his leadership and community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 1999, as GATEWAY FOUNDATION DAY in Illinois.

Issued by the Governor May 20, 1999.

Filed by the Secretary of State June 1, 1999.

99-237

MYASTHENIA GRAVIS MONTH

WHEREAS, Myasthenia Gravis, often referred to as "the disease nobody knows," is a neuro-muscular disorder that can affect anyone, regardless of age, race or sex; and

WHEREAS, originally diagnosed in the 17th century, this potentially fatal disorder currently afflicts about 240,000 Americans. Only in the last few decades has any real progress been made in diagnosing and treating this disease, largely through the efforts of the Myasthenia Gravis Foundation; and

WHEREAS, since diagnosis of Myasthenia Gravis is difficult, due to its similarities to other disorders, public awareness must be heightened. Medical professionals and physicians also need further education in its symptoms so that our citizens may be assured of proper care and treatment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1999 as MYASTHENIA GRAVIS MONTH in Illinois.

Issued by the Governor May 20, 1999.

Filed by the Secretary of State June 1, 1999.

99-238

CYPRUS AWARENESS DAY

WHEREAS, The Republic of Cyprus has been divided since 1974, with disregard to United Nations resolutions; and

WHEREAS, the United Nations, most recently in United Nations Security Council Resolution 1218, has called repeatedly upon both sides of the dispute to reduce tensions on the island;

PROCLAMATION

WHEREAS, there are internationally acceptable means to resolve the long-standing dispute in Cyprus, including the demilitarization of Cyprus and the continued use of the United Nations Peace-keeping force (UNFICYP) to ensure the security of both Greek and Turkish communities on the island; and

WHEREAS, reciprocal measures to lower the tension, including mutual commitments, through UNFICYP, not to deploy along the cease-fire lines should be undertaken by both sides of the dispute; and

WHEREAS, leaders from both sides of the dispute have discussed the essential elements of a peace agreement in Cyprus as well as the implementation of the confidence-building measures, exploring a broad range of ideas pertaining to political equality and sovereignty; and

WHEREAS, the ideas broached under these headings offered ways of satisfying in an equitable manner what have consistently been the most deeply held concerns and interests of each community; and

WHEREAS, a peaceful, just and lasting solution to the Cyprus problem would greatly benefit the security, and the political, economic and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24, 1999, as *CYPRUS AWARENESS DAY* in Illinois.

Issued by the Governor May 24, 1999.

Filed by the Secretary of State June 1, 1999.

99-239

NORTHEASTERNS, INC. DAY

WHEREAS, The Northeasterns, Inc., will hold its 66th National Convention in Chicago, Illinois, at the Sheraton Chicago and Towers, May 28, 1999 through May 30, 1999, "Celebrating Decades of Divas," and was chosen to recognize the outstanding contributions of African-American women; and

WHEREAS, The Northeasterns, Inc. membership is comprised of outstanding civic-minded, socially conscious women who are professionally and personally involved in education, medicine, law, business, the arts, government and social services; and

WHEREAS, the members of The Northeasterns, Inc. come together for fellowship, networking, the exchange of ideas and to support the projects of others; and

WHEREAS, at each national convention, the local chapters contribute to an important charity with this year's recipient being the *JEWEL LAFONTANT SCHOLARSHIP FUND* at the University of Chicago; and

WHEREAS, more than 300 people will be in attendance, coming from throughout the eastern United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 28 - 30, 1999, as *NORTHEASTERNS, INC. DAYS* in Illinois.

Issued by the Governor May 24, 1999.

Filed by the Secretary of State June 1, 1999.

99-240

DONORS FORUM OF CHICAGO DAY

PROCLAMATION

WHEREAS, thousands of nonprofit and philanthropic organizations make a difference each day in the communities, institutions and lives of Illinois residents; and

WHEREAS, nonprofit organizations and foundations provide essential services including resources for critical community needs as well as providing a voice for children, the disadvantaged and the elderly; and

WHEREAS, the efforts of nonprofit organizations and foundations also connect people to their communities in important ways, creating a venue for people and organizations to come together to solve community problems; and

WHEREAS, the Donors Forum of Chicago promotes effective and responsible philanthropy and encourages active relationships between nonprofit organizations and foundations throughout the region; and

WHEREAS, the Donors Forum of Chicago has served the community for 25 years providing leadership, education and service to nonprofit organizations, foundations and the public; and

WHEREAS, in 1999, the Donors Forum honors four outstanding leaders in the foundation community: Neal Creighton of the Robert R. McCormick Tribune Foundation, Deborah Leff of the Joyce Foundation, Bruce Newman from The Chicago Community Trust, and Adele Smith Simmons at the John D. and Catherine T. MacArthur Foundation; and

WHEREAS, the accomplishments, dedication and leadership of these individuals has improved the quality of the community and civic life in Illinois and throughout the nation; and

WHEREAS, the work of the Donors Forum to strengthen nonprofit and philanthropic partnerships, in turn, strengthens the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 17, 1999, as *DONORS FORUM OF CHICAGO DAY* in Illinois.

Issued by the Governor May 25, 1999.

Filed by the Secretary of State June 1, 1999.

99-241

PHILIPPINE INDEPENDENCE DAY

WHEREAS, the Filipino American community in Illinois is sharing with people from all over the world the celebration of 101 years of Philippine independence from colonial rule; and

WHEREAS, the commemoration of 101 years of freedom demonstrates the strength and cohesiveness of the people and the energy of the Filipino spirit; and

WHEREAS, the achievements of Filipino Americans have contributed to our nation's social, economic, and political progress; and

WHEREAS, the 101st Anniversary of Philippine Independence will be commemorated at an event with the Philippine Consulate General at a Vin d' Honneur on Friday, June 12, 1999, in Chicago, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12, 1999, as *PHILIPPINE INDEPENDENCE DAY* in Illinois.

Issued by the Governor May 25, 1999.

Filed by the Secretary of State June 1, 1999.

99-242

PROCLAMATION

SIDNEY R. AND ADDIE YATES DAY

WHEREAS, Sidney R. Yates and his wife, Addie, have devoted their lives to serving the people of Illinois and the United States; and

WHEREAS, Sidney Yates was first elected to the United States House of Representatives in 1948 and served in every Congress since 1949 except for the 88th; and

WHEREAS, The Sidney R. and Addie Yates Exhibition Center at the Field Museum will become a permanent tribute to Congressman Yates and his support of the arts, the humanities and the environment as well as the people of Illinois; and

WHEREAS, the Chicago Field Museum is dedicating the Sidney R. and Addie Yates Exhibition Center on May 27, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 27, 1999, as **SIDNEY R. AND ADDIE YATES DAY** in Illinois.

Issued by the Governor May 25, 1999.

Filed by the Secretary of State June 1, 1999.

99-243**MOKENA FIRE PROTECTION DISTRICT
NOTICE OF REFERENDUM**

WHEREAS, the Mokena Fire Protection District desires to provide Hospital Insurance (Medicare) coverage for its employees not mandatorily covered for Hospital Insurance pursuant to Public Law 99-272 and pursuant to Public Law 101-508; and

WHEREAS, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the Fire Protection District's retirement plan be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects hospital insurance coverage; and

WHEREAS, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her and allowed 90 days notice prior to the exercise of his/her right to choose; and

WHEREAS, I hereby designate the Executive Secretary of the State Employees' Retirement System and the Chairman of the Board of Trustees of the Mokena Fire Protection District as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of June 1, 1999, through August 29, 1999, to eligible employees of the Mokena Fire Protection District that their choice shall be expressed by written ballot in conformity

PROCLAMATION

with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Chairman of the Board of Trustees for the Mokena Fire Protection District and the referendum concluded not later than August 29, 1999.

Issued by the Governor May 26, 1999.

Filed by the Secretary of State June 1, 1999.

99-244**VENITA MCCONNEL DAY**

WHEREAS, Venita McConnel has been involved in the Wauconda Republican Party since 1972 and is President of the Wauconda Republican Club; and

WHEREAS, Venita McConnel helped start the 8th Congressional District Republican organization on behalf of Congressman Philip Crain; and

WHEREAS, Venita McConnel is very involved with her family - her husband, John, her two children and her grandchildren; and

WHEREAS, Venita McConnel will be missed by all the Republicans of Lake County;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 1999, as **VENITA MCCONNEL DAY** in Illinois.

Issued by the Governor May 26, 1999.

Filed by the Secretary of State June 1, 1999.

99-245**ILLINOIS RIVERS APPRECIATION MONTH**

WHEREAS, Illinois' development as a great state owes much to our rivers, their explorers -- such as Marquette, Joliet, and LaSalle -- and the builders of the forts and later cities along the banks of these rivers -- such as Massac on the Ohio, Starved Rock and Creve Coeur on the Illinois, Kaskaskia on the Mississippi, and Dearborn in Chicago; and

WHEREAS, Illinois communities, which originally flourished on the banks of the avenues of commerce our rivers provide, are today revitalizing their waterfronts to provide both economical and recreational opportunities while preserving important aspects of their resources and history; and

WHEREAS, Illinois citizens are becoming increasingly aware of the importance of our rivers as habitat for fish and other aquatic organisms, for recreation, as scenic resources, and for clean drinking water, and of the importance of the riparian corridor for soil conservation and wildlife habitat; and

WHEREAS, all citizens should be involved in efforts to clean our streams, practice soil conservation, protect scenic areas, and advocate such efforts;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1999 as **ILLINOIS RIVERS APPRECIATION MONTH** in Illinois to increase public awareness of the importance of our rivers as resources vital to our state.

Issued by the Governor May 26, 1999.

Filed by the Secretary of State June 1, 1999.

99-246**DISASTER AREAS - COLES AND SHELBY COUNTIES**

PROCLAMATION

GUBERNATORIAL PROCLAMATION

A severe weather system that moved across central Illinois producing tornadoes, flooding and flash flooding on June 1, 1999, inflicted heavy damage in Coles and Shelby counties. This weather system caused extensive damage to homes and businesses.

In the interest of responding to the threat imposed to public health and safety as a result of the storm system, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Coles and Shelby counties as disaster areas, pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor June 2, 1999.

Filed by the Secretary of State June 2, 1999.

99-247

FOREVER PLAID DAY

WHEREAS, since the fall of 1994, Forever Plaid has continuously captivated audiences of all ages in Chicago, Illinois; and

WHEREAS, Forever Plaid has become a part of the community, participating in such events as the 1999 Where Visitor's Choice Awards, the 1998 Marshall Field's Jingle Elf Parade, the 1997 AUS Mammoth Music Mart featuring Dick Clark, the 1997 and 1996 Brach's Holiday Parade, the 1996 Democratic Convention, and the 1998 Governor's Holiday Tree Lightings at the State of Illinois Building and Thompson Center; and

WHEREAS, in the fall of 1995, the Chicago production of Forever Plaid was honored with every Joseph Jefferson Award for which it was eligible, including "Best Production," "Best Director," "Best Ensemble," and "Best Musical Direction"; and

WHEREAS, in November 1998, Chicago's Forever Plaid became the longest running production of Forever Plaid ever, surpassing records set in New York, Boston, Toronto, Los Angeles, Vancouver, Minneapolis, Denver, and Detroit; and

WHEREAS, Forever Plaid will become Illinois' longest running musical ever with its 1,949th performance at the Royal George Cabaret Theatre on Thursday, June 3, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 1999, as **FOREVER PLAID DAY** in Illinois.

Issued by the Governor May 27, 1999.

Filed by the Secretary of State June 4, 1999.

99-248

ACCESS LIVING DAY

WHEREAS, nearly one-fifth of the nation's population including more than 1,500,000 people in Illinois live with disabilities; and

PROCLAMATION

WHEREAS, the Office of Human Services is working to make Illinois the nation's most accessible state through advocacy, education, training and direct services for people with disabilities of all ages in all aspects of life; and

WHEREAS, Access Living, an organization involved in education and advocacy efforts across the city, state, and country, which is founded and staffed by a majority of people with disabilities, shares the State of Illinois' goals of independence, empowerment and inclusion of people with disabilities; and

WHEREAS, Access Living fosters the dignity, pride and self-esteem of people with disabilities and enhances the opportunities available to them by offering peer-oriented independent living services, public education and awareness, individual and systemic advocacy and the enforcement of civil rights on behalf of people with disabilities; and

WHEREAS, Access Living will celebrate 19 years of serving Chicago's more than 500,000 people with disabilities on June 10, 1999, with a ceremony honoring former US Attorney General Richard Thornburgh and his wife, Ginny Thornburgh, who have dedicated their lives to supporting the fundamental societal changes resulting from the Americans with Disabilities Act;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10, 1999, as **ACCESS LIVING DAY** in Illinois.

Issued by the Governor June 1, 1999.

Filed by the Secretary of State June 4, 1999.

99-249

RACE UNITY DAY

WHEREAS, racism is one of today's most vital and challenging issues; and

WHEREAS, the well-being of mankind, its peace and security are helped by establishing unity; and

WHEREAS, the unity of human kind must be nurtured through love, patience, humility, tact, wisdom and deliberate, persistent effort; and

WHEREAS, people of goodwill throughout Illinois are working tirelessly to promote the unity of humankind; and

WHEREAS, the sacred writings of the Baha'i Faith - whose National Spiritual Assembly was incorporated in the State of Illinois - provide hope that a unified humanity will be a precursor to world peace; and

WHEREAS, Race Unity Day was inaugurated in 1957 by the National Spiritual Assembly of Baha'is of the United States; and

WHEREAS, the June 6, 1999, Race Unity Rally held in the State Capitol is a worthy endeavor in the battle to eliminate racism;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 1999, as **RACE UNITY DAY** in Illinois.

Issued by the Governor June 1, 1999.

Filed by the Secretary of State June 4, 1999.

99-250

AL AND PEGGY SELBY DAY

WHEREAS, Alton Dwayne "Al" Selby was born December 4, 1929, in Wildhorse, Oklahoma, the son of Oscar and Annie Selby; and

WHEREAS, Peggy Joyce Woolery was born June 9, 1931, in Avant, Oklahoma,

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the daughter of Alva and Amanda Woolery; and
 WHEREAS, Al and Peggy were married on June 26, 1949, in Avant, Oklahoma; and

WHEREAS, Al and Peggy have two children, Dane Ray and Pamela Jo; and
 WHEREAS, Al and Peggy have five grandchildren, Missy, Cameron, Mick, Scott and Matt; and

WHEREAS, Al and Peggy also have two great-grandchildren, Alexandra and Selby Kathryn; and

WHEREAS, Al and Peggy reside in Jacksonville, Illinois; and
 WHEREAS, Al ministers to Faith Tabernacle Church and with his wife, Peggy, enjoys activities and worshipping with the church congregation; and

WHEREAS, Al and Peggy will celebrate their 50th Wedding Anniversary on June 26, 1999, with family at the Faith Tabernacle Fellowship Hall in Jacksonville, Illinois, and an open house on June 27, 1999; and

WHEREAS, on this special occasion, Al and Peggy's family wish to thank them for the many years of happiness, the unforgettable memories, and the many sacrifices and prayers for the family that have been made;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 26, 1999, as *AL AND PEGGY SELBY DAY* in Illinois in honor of their 50 years of marriage and wish them many years of happiness for the future.

Issued by the Governor June 2, 1999.

Filed by the Secretary of State June 4, 1999.

99-251

JAMES E. HUMPHREY DAY

WHEREAS, James E. Humphrey graduated from Eureka College in 1965 with a Bachelor's Degree and a K-8 certificate; and

WHEREAS, he began teaching in the fall of 1965; and

WHEREAS, he has been with the East Peoria School District #86 since fall 1966; and

WHEREAS, in 1970, Mr. Humphrey earned a Master's Degree in Administration from Bradley University; and

WHEREAS, he has been an active member of the East Peoria Youth Council for many years; and

WHEREAS, Mr. Humphrey has been an excellent educator of Illinois fifth and sixth grade school children for 34 years; and

WHEREAS, on June 4, 1999, James Humphrey will celebrate his retirement with faculty, students, parents, family and friends in East Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 4, 1999, as *JAMES E. HUMPHREY DAY* in Illinois.

Issued by the Governor June 2, 1999.

Filed by the Secretary of State June 4, 1999.

99-252

LEN GRAMAROSSA DAY

WHEREAS, Len Gramarossa has devoted 24 years to the education and spiritual development of elementary and secondary students at St. John of the Cross School in Western Springs, Illinois, and Nazareth Academy in LaGrange

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Park, Illinois; and

WHEREAS, Len has served with distinction on the faculty of St. John of the Cross School for 16 years; and

WHEREAS, Len has served as principal of St. John of the Cross School for eight years; and

WHEREAS, for 19 years, Len has contributed his time, energy and talent to nurturing the athletic and character development of hundreds of young people as Defensive Coordinator of the Nazareth Academy varsity football team; and

WHEREAS, Len has selflessly devoted his talent, time and energy to thousands of young people whom he has served as teacher, spiritual mentor, principal and coach; and

WHEREAS, Len's devotion to the young people who have had the privilege of calling him "teacher", "principal", "coach" and "Mr. G" has had, and will continue to have, a profound effect on them, their children and our fellow citizens for years to come; and

WHEREAS, the integrity, honesty, hard work and commitment to principles which Len has exemplified and taught these young people are the foundation upon which the growth and vitality of the State of Illinois rest;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 1999, as *LEN GRAMAROSSA DAY* in Illinois.

Issued by the Governor June 2, 1999.

Filed by the Secretary of State June 4, 1999.

99-253

SOCIETY OF GOVERNMENT MEETING PROFESSIONALS DAYS (Revised)

WHEREAS, meetings are a primary planning, communication and action vehicle and a critical component of any organization or agency's success; and

WHEREAS, the meeting industry in Illinois creates millions of dollars in economic impact, enhances commerce and creates jobs throughout Illinois; and

WHEREAS, meeting professionals ensure workforce productivity, elevate the professionalism of the industry and improve the knowledge and expertise in the planning and management of meetings through education, training and industry relationships; and

WHEREAS, the Chicago Chapter and the Heart of Illinois Chapter of the Society of Government Meeting Professionals are celebrating their 14th year of offering excellent continuing education and professional networking for meeting professionals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14-18, 1999, as *SOCIETY OF GOVERNMENT MEETING PROFESSIONALS DAYS* in Illinois.

Issued by the Governor June 2, 1999.

Filed by the Secretary of State June 11, 1999.

99-254

A IS FOR ASTHMA DAY

WHEREAS, asthma is the most common chronic illness affecting young children today; and

WHEREAS, approximately five to seven percent of all children in the United

PROCLAMATION

States have asthma; and

WHEREAS, asthma disproportionately affects the Latino and African-American communities; and

WHEREAS, Detour 2 Discovery Day School is hosting the Chicago launch of the national "A is for Asthma" campaign; and

WHEREAS, the "A is for Asthma" campaign is a bilingual, multi-media educational project designed to promote public awareness of childhood asthma, support families and child care communities in helping children between the ages of three and six understand and cope with the illness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 15, 1999, as *A IS FOR ASTHMA DAY* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

99-255

LOIS BOUDREAU DAY

WHEREAS, Little City Foundation's Board of Directors' 1999 Annual Dinner will be held on June 15, 1999, at the Hilton Chicago and Towers; and

WHEREAS, the event will recognize Lois Boudreau for her dedication to hard work on behalf of the children and adults at Little City; and

WHEREAS, Lois Boudreau has demonstrated leadership and humanity on behalf of the many programs and services that Little City Foundation has offered children and adults with mental retardation or other developmental challenges for over 40 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 15, 1999, as *LOIS BOUDREAU DAY* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

99-256

MISS ILLINOIS DAY

WHEREAS, the Miss Illinois Scholarship Program provides scholarships to young women across Illinois; and

WHEREAS, the Miss Illinois Scholarship Program gives young women the opportunity to learn the importance of a positive self-image in a program entitled "The Miss Illinois Commitment Club"; and

WHEREAS, Miss Illinois serves as an ambassador for Illinois and is an active leader in her chosen social area. Past causes range from AIDS awareness to youth mentoring; and

WHEREAS, the Miss Illinois Scholarship Program will celebrate its 60th Anniversary on June 19th; and

WHEREAS, former Miss Illinois winners will gather at the Drury Lane Theater to celebrate the 60th Anniversary of the Miss Illinois Scholarship Program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 1999, as *MISS ILLINOIS DAY* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

PROCLAMATION

99-257

NATIONAL FRATERNAL CONGRESS OF AMERICA DAY

WHEREAS, fraternal groups have developed into a vital volunteer force dedicated to strengthening American society; and

WHEREAS, fraternal groups provide financial and organizational support to help members, perform educational, religious, patriotic and benevolent activities that benefit individuals and communities throughout the United States; and

WHEREAS, on June 14, 1999, 91 fraternal benefit societies and 37 state fraternal congresses belonging to the National Fraternal Congress of America will hold ceremonies to increase awareness of the importance of the US flag as well as the important role fraternal organizations play throughout the nation; and

WHEREAS, the National Fraternal Congress of America, its 9.3 million members and citizens across the country will celebrate National Flag Day on this date;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 1999, as *NATIONAL FRATERNAL CONGRESS OF AMERICA DAY* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

99-258

PUERTO RICAN DAYS

WHEREAS, the Puerto Rican Parade Committee is celebrating its 35th year of service and commitment to the Puerto Rican community of the State of Illinois; and

WHEREAS, the Puerto Rican community, an important force in the State of Illinois, is a community that enriches Illinois economically, culturally and by providing political leadership; and

WHEREAS, the Puerto Rican Parade Committee of 1999-2000, under the leadership of President Rafael Rios, has chosen the theme "Bridging Tradition with the Future; Celebrating the New Millennium" as the committee undertakes the mission of renovating the headquarters facility known as "La Casa Puertorriquena", therefore, planting the seed for the development of educational and cultural programs for children of the community; and

WHEREAS, the Fiestas Puertorriquenas, one of the largest ethnic celebrations in the State of Illinois, promotes community cohesion and cultural development; and

WHEREAS, the State of Illinois honors the Puerto Rican Parade Committee and welcomes the dignitaries who form the official delegation from Puerto Rico visiting Illinois for the purposes of participating in the different activities of Fiestas Puertorriquenas which will culminate with a stately and colorful parade that takes place on Saturday, June 19, at 12:00 p.m. on Dearborn Street in Chicago, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16-20, 1999, as *PUERTO RICAN DAYS* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

PROCLAMATION

99-259

WESTERN SOCIETY OF ENGINEERS DAY

WHEREAS, the Western Society of Engineers has been a multi-discipline engineering society serving engineers in northern Illinois since 1869; and
 WHEREAS, the first president of the Western Society of Engineers, Mr. Roswell B. Mason, served as an appointee of the Illinois legislature to devise a plan to address sewage disposal methods in Chicago; and

WHEREAS, the Professional Engineer contributes to humanity in the areas of public safety, health, welfare, transportation, water, power, communications, structures and environmental engineering as well as everyday mechanical, electrical and electronic devices; and

WHEREAS, Illinois' leadership in transportation, public utilities, building construction, industrial and commercial environment is made possible by the contributions of engineers in government, private practice, industry, construction and education; and

WHEREAS, the quality of life of all citizens of Illinois is enhanced through the contributions of the engineering profession and the high standards of performance observed by its members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11, 1999, as *WESTERN SOCIETY OF ENGINEERS DAY* in Illinois.

Issued by the Governor June 7, 1999.

Filed by the Secretary of State June 11, 1999.

99-260

ANTIOCHIAN ORTHODOX CHRISTIAN WEEK

WHEREAS, Antioch was one of the ancient cities of the Middle East where the early disciples established the Church and were called Christians for the first time; and

WHEREAS, the parish of St. George Orthodox Church in Cicero, Illinois, is the largest Antiochian Orthodox parish in the State of Illinois; and

WHEREAS, St. George Orthodox Church will host the 44th convention of the Antiochian Orthodox Christian Archdiocese of North America, a celebration which will bring thousands of Orthodox Christians to downtown Chicago to worship, learn about their faith, and enjoy fellowship; and

WHEREAS, the theme of the convention is faith in Christ's promise, "Lo, I am with you always, even to the end of the age," and it will be highlighted by worship, daily services, Bible studies, educational events, youth activities, recreation, and a pilgrimage to the Miraculous Lady of Cicero Shrine at St. George Orthodox Church; and

WHEREAS, approximately 4,000 laypeople and 250 clergy from the United States and Canada will travel to Illinois for the convention; and

WHEREAS, the convention will be honored by the presence of His Beatitude, Patriarch *IGNATIUS IV* of Antioch and All the East, an honored spiritual leader for Orthodox Christians; and

WHEREAS, on Sunday, July 25, 1999, the convention will culminate in a Patriarchal Divine Liturgy celebrated by Patriarch *IGNATIUS IV* in downtown Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

PROCLAMATION

July 18-25, 1999, as *ANTIOCHIAN ORTHODOX CHRISTIAN WEEK* in Illinois.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-261

ELKDOM DAY

WHEREAS, the Improved Benevolent and Protective Order of Elks of the World was established in Cincinnati, Ohio in 1898; and

WHEREAS, the dreams of Arthur James Riggs and Benjamin Franklin Howard were realized when the first lodge, Alpha Lodge No. 1, was organized; and

WHEREAS, the purpose of the organization is to promote and enhance the welfare and happiness of its members; the nobleness and of soul and goodness of heart be cultivated so that the principles of charity, justice, brotherly/sisterly love be inculcated; that its member and families be assisted and protected; and that the spirit of patriotism be enlivened and exalted; and

WHEREAS, on June 13, 1902, Emma Virginia Kelley organized the Daughters of Elks in Norfolk, Virginia and the daughters were adopted by the Grand Lodge and became an auxiliary body to the brothers; and

WHEREAS, the Elks have been instrumental in developing medical programs to provide care for people of color; and

WHEREAS, the Civil Liberties Department of the Elks was organized to fight segregation in public places, to insure freedom for all people and to fight what was turned into "de facto segregation" leading in part to integrating; and

WHEREAS, *IBPO* of the World is solidly functioning, making a positive economic, political and social impact around the world; and

WHEREAS, the Illinois-Wisconsin States Association of the *IBPO* of Elks of the World, led by President Tom Heard, and the Daughters of Elks, led by Yvonne Brown, will preside over the annual convention on June 16-20, 1999; and

WHEREAS, the Annual Civil Liberties luncheon of the Elks will be held on June 18, 1999, during the 72nd annual convention in Peoria, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 18, 1999, as *ELKDOM DAY* in Illinois.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-262

MENNONITE COLLEGE OF NURSING DAY

WHEREAS, Mennonite College of Nursing was founded in 1919 as the Mennonite Sanitarium Training School by area Mennonite Churches with the purpose of providing a Christian ministry through the operation of a hospital and a diploma school of nursing; and

WHEREAS, in 1939, the name was changed to the Mennonite Hospital School of Nursing; and

WHEREAS, President Kathleen A. Hogan, *Edd, RN*, assumed the position of the director of Mennonite Hospital School of Nursing in 1980 and led the institution through the transition from the diploma program to the establishment of Mennonite College of Nursing, which is today fully accredited both institutionally and programmatically; and

PROCLAMATION

WHEREAS, on July 1, 1999, Mennonite College of Nursing will become the sixth academic college at Illinois State University, and its name will be Mennonite College of Nursing at Illinois State University. The college will move its facilities to Illinois State University, and will be located primarily in Edwards Hall; and

WHEREAS, as of June 1999 there are 2,258 graduates of the Mennonite Hospital School of Nursing and Mennonite College of Nursing; and

WHEREAS, 83 percent of the graduates of Mennonite College of Nursing remain in Central Illinois to provide healthcare to the citizens of the area; and

WHEREAS, June 12, 1999, Mennonite College of Nursing celebrates 80 years of excellence in nursing education at its Heritage Celebration in Bloomington, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12, 1999, as *MENNONITE COLLEGE OF NURSING DAY* in Illinois.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-263

MEN'S HEALTH DAY

WHEREAS, National Men's Health Week was established to raise public awareness, especially among men, of the importance of preventative health practices in the early detection and treatment of health problems affecting men; and

WHEREAS, public agencies have joined with private businesses to collaborate efforts to educate the public about the health problems affecting men. Public agencies include the Governor's Council on Health and Fitness, the Illinois Department on Aging, the Illinois Department of Human Services, the Illinois Department of Public Health, the Illinois Department of Veterans Affairs, the Illinois Department of Natural Resources, the Illinois State Board of Health, the Cook County Bureau of Health Services, the Chicago Department of Public Health, and the U.S. Postal Service. Private businesses include Abbott Laboratories, Beckman-Coulter, Bristol-Myers Squibb, General Motors Corporation's Electro-Motive Division, United Auto Workers, Johnson and Johnson, Ethicon/Indigo, Merck & Co. Inc., Pfizer Pharmaceuticals, Knoll, ServiceMaster, and TAP Pharmaceuticals; and

WHEREAS, the Illinois Department of Public Health's "Passport to Wellness" men's health fair will address specific men's health issues such as heart disease, prostate cancer, blood pressure, diabetes and ergonomics; and

WHEREAS, the "Passport to Wellness" health fair will be held June 14-16, 1999, in Chicago to support both the national goal and the Illinois Department of Public Health's commitment to health promotion and disease prevention;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 1999, as *MEN'S HEALTH DAY* in Illinois and encourage all citizens to make preventative health practices part of their lives.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-264

PROCLAMATION

NEW MEMBERS CHRISTIAN EDUCATION DAY

WHEREAS, Salem Baptist Church of Chicago was organized January 13, 1985, at 8201 South Jeffery Boulevard and relocated to 11800 South Indiana Avenue, Chicago, Illinois, on July 1, 1990; and

WHEREAS, Salem Baptist Church sponsors a course in Christian Education for its new members to strengthen them in their spiritual faith; and

WHEREAS, more than 200 members at this graduation class have completed the 27-week training for Christian Service and Evangelistic Counseling; and

WHEREAS, Pearl Williams, Christian Education Director, designed the New Members Christian Education Program 14 years ago; and

WHEREAS, the Reverend James T. Meeks, Pastor, should be commended for his vision and leadership;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11, 1999, as *NEW MEMBERS CHRISTIAN EDUCATION DAY* in Illinois.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-265

SARCODOSIS AWARENESS DAY

WHEREAS, Sarcodosis is a disease that affects people around the world including many citizens of Illinois; and

WHEREAS, skin related symptoms of Sarcodosis were first recognized more than 100 years ago, however the effects from this chronic, multi-system disease on other organs of the body were not observed until the first quarter of this century; and

WHEREAS, today, researchers are still trying to learn more about the cause and the nature of Sarcodosis. Some researchers believe this affliction results from the inhalation of an infectious or allergic substance from the environment, while others believe it is caused by an alteration of the body's cellular immune system; and

WHEREAS, Sarcodosis is a non-contagious, systematic disease of unknown origin commonly diagnosed with the detection of inflamed, microscopic growths, called granulomas, which most commonly affects the lungs but can affect any organ of the body; and

WHEREAS, many individuals stricken with Sarcodosis eventually develop serious disabling conditions caused by damage to vital organs, such as lungs, heart, brain, kidneys, and central nervous system; and

WHEREAS, the National Sarcodosis Network of America, Inc. provides educational and telephone support to the patients and their families as well as developing an ongoing campaign to promote increased awareness, and medical research into this debilitating disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 1999, as *SARCODOSIS AWARENESS DAY* in Illinois.

Issued by the Governor June 8, 1999.

Filed by the Secretary of State June 11, 1999.

99-266

CHICAGO METROPOLIS 2020 DAY

PROCLAMATION

WHEREAS, The Commercial Club of Chicago is the recipient of this year's Crain's Chicago Business Executive of the Year Award in recognition of their visionary leadership in producing a 20-year plan for improving the Chicago regional economy and quality of life entitled Chicago Metropolis 2020; and

WHEREAS, Chicago Metropolis 2020 is truly a club-wide effort that involved over 400 members and volunteers and is a tribute to the team efforts of The Commercial Club leaders John Madigan, Chairman; Arnold Weber, President; Richard Thomas, Vice Chairman; Elmer Johnson, the Project Director and author of the Chicago Metropolis 2020 Report; and George Ranney, the President of Chicago Metropolis 2020; and

WHEREAS, in 1909, The Commercial Club of Chicago commissioned Daniel Burnham's Plan of Chicago which served as an infrastructure blueprint for Chicago and upon which the leaders of the Club based the Chicago Metropolis 2020 Report to strengthen the economic vitality of the region and to enhance the quality and equity of life for all citizens in Chicago; and

WHEREAS, The Commercial Club of Chicago is an organization comprised of business men and women who are leaders from the Chicagoland area and share a commitment to civic service and a vision for the future of Chicago; and

WHEREAS, The Commercial Club of Chicago has demonstrated its leadership and vision for Chicago in the 20th century through its active endeavors to improve and strengthen the economy, infrastructure and development of the Chicago metropolitan area; and

WHEREAS, The Commercial Club of Chicago has been a leader in promoting business and government cooperation since its founding in 1877;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 8, 1999, as **CHICAGO METROPOLIS 2020 DAY** in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State June 11, 1999.

99-267

CORRECT POSTURE MONTH

WHEREAS, the science of chiropractic and doctors of chiropractic have contributed greatly to the better health of our citizens by providing quality health care; and

WHEREAS, correct posture has a direct effect on spinal health; and

WHEREAS, correct posture and optimal spinal health make it possible for all organs in the body to function efficiently -- a factor essential to proper growth and development; and

WHEREAS, poor posture in our everyday activities can bring on or exacerbate pain and injury; and

WHEREAS, doctors of chiropractic can reveal spinal problems brought on by poor posture and educate patients on how to prevent pain and injury; and

WHEREAS, every individual should be made aware of the benefits of correct posture and its effects on spinal health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1999 as **CORRECT POSTURE MONTH** in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State June 11, 1999.

PROCLAMATION

99-268

GEORGE WHINNA DAY

WHEREAS, on Friday, June 11, 1999, over 200 family members, friends, and teachers will be celebrating George Whinna's teaching achievements; and

WHEREAS, Mr. Whinna has dedicated his entire professional career to teaching American and World History; and

WHEREAS, Mr. Whinna has taught at three different schools in Rockford including six years at Roosevelt Middle School, 20 years at West High School, and the last 10 years at Auburn High School; and

WHEREAS, Mr. Whinna has taught over 6,000 students, served as class advisor and faculty advisor to numerous classes and organizations and led more than 15 trips to Europe and Asia; and

WHEREAS, Mr. Whinna is retiring after 36 years of teaching in the Rockford school system;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11, 1999, as **GEORGE WHINNA DAY** in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State June 11, 1999.

99-269

IRA P. WEINSTEIN DAY

WHEREAS, Ira P. Weinstein was born in Chicago, Illinois, on June 10, 1919;

and

WHEREAS, Mr. Weinstein entered the US Army Air Corps in 1942, trained as a Navigator-Bombardier, and rose to the rank of First Lieutenant; and

WHEREAS, Mr. Weinstein flew 25 mission over Germany during WWII before being shot down on September 27, 1944, and being taken prisoner German forces; and

WHEREAS, Mr. Weinstein was awarded the Purple Heart, the Air Medal, POW Medal, Presidential Citation, American Campaign and European Campaign Medals, WWII Victory Medal and the French Croix de Guerre for his role in WWII; and

WHEREAS, following the war, Mr. Weinstein moved to Glencoe and, as President of Schram Advertising, he helped build the agency into a successful and respected company; and

WHEREAS, Mr. Weinstein celebrated more than 50 years of marriage to his late wife, Norma;

WHEREAS, Mr. Weinstein is a contributor and supporter of various organizations including Women's American ORT, Congregation Solel, 8th Air Force Historical Society, the Ex-POW Association, Kassel Mission Historical Association, 2nd Air Division, Jewish War Veterans, and Caterpillar Association among others; and

WHEREAS, Ira P. Weinstein, an avid golfer, accomplished world traveler and builder of model historic aircraft, will celebrate his 80th birthday;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10, 1999, as **IRA P. WEINSTEIN DAY** in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State June 11, 1999.

PROCLAMATION

99-270

U.S. COAST GUARD AUXILIARY DAY

WHEREAS, recreational boating is one of the most popular forms of family recreation in Illinois; and

WHEREAS, about 70 million Americans using more than 17 million boats, will choose recreational boating as a primary way to enjoy the boating season; and

WHEREAS, the U.S. Coast Guard Auxiliary has devoted 60 years of volunteer service and support to assist the U.S. Coast Guard and the people of Illinois; and

WHEREAS, for 60 years the U.S. Coast Guard Auxiliary's ambitious men and women have generously volunteered their time, energy and talents; and

WHEREAS, the U.S. Coast Guard Auxiliary has devoted 60 years to raising public awareness about the environment, boating and boat safety; and

WHEREAS, the U.S. Coast Guard Auxiliary is an integral part of Team Coast Guard and a benefit to the people and the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 1999, as *U.S. COAST GUARD AUXILIARY DAY* in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State June 11, 1999.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number. Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnaiale@ccgate.sos.state.il.us (Internet address).

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